

Resettlement and Ethnic Minorities Development Plan (REM DP)

June 2015

Socialist Republic of Viet Nam: Second Greater Mekong Subregion Corridor Towns Development Project

Sa Pa Subproject

Prepared by Provincial People's Committee for the Asian Development Bank

CURRENCY EQUIVALENTS

1 USD = 21,000 VND

ABBREVIATIONS

ADB	-	Asian Development Bank
AH	-	affected household
AP	-	affected person
CARB	-	Compensation, Assistance and Resettlement Board
CLFD	-	Center for Land Fund Development
CPC	-	Commune Peoples Committee
CPMU	-	central project management unit
DARD	-	Department of Agriculture and Rural Development
DCARB	-	District Compensation, Assistance, Resettlement Board
DMS	-	detailed measurement survey
DOF	-	Department of Finance
DONRE	-	Department of Natural Resources and Environment
DPC	-	District Peoples, Committee
DPI	-	Department of Planning and Investment
EA	-	executing agency
EM	-	Ethnic Minority
FS	-	feasibility study
GOV	-	Government of Viet Nam
IMO	-	Independent Monitoring Organization
IOL	-	inventory of loss
IMO	-	Independent Monitoring Organisation
LURC	-	Land Use Rights Certificate
MOF	-	Ministry of Finance
MOLISA	-	Ministry of Labor, Invalids and Social Assistance
MONRE	-	Ministry of Natural Resources and Environment
MARD	-	Ministry of Agriculture and Rural Development
NTP	-	notice to proceed
PCARB	-	Provincial Compensation, Assistance and Resettlement Board
PIB	-	Project Information Booklet
PIC	-	Project Implementation Consultant
PPC	-	Provincial People Committee
PPMU	-	provincial project management unit
RCS	-	replacement cost study
REMDP	-	resettlement and ethnic minorities development plan
RF	-	resettlement framework
RP	-	resettlement plan
SES	-	socio-economic survey
VND	-	Vietnamese dong
WPC	-	Ward People Committee
VWU	-	Viet Nam Women's Union

DEFINITION OF TERMS

Affected person (AP) / Affected household (AH)	<ul style="list-style-type: none">- Means any person, household, firm or private institution who, on account of changes resulting from the Project, or any of its phases or sub-projects, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest, salt mining and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without displacement. In the case of affected household, it includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a project or any of its components.
Detailed Measurement Survey (DMS)	<ul style="list-style-type: none">- With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of APs earlier done during RP preparation. The final cost of resettlement can be determined following completion of the DMS.
Compensation	<ul style="list-style-type: none">- Means payment in cash or in kind to replace losses of land, housing, income and other assets caused by the Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
Cut-of-date	<ul style="list-style-type: none">- Refers to the date after which people will NOT be considered eligible for compensation i.e. they are not included in the list of APs as determined by a census and DMS for which land and/or assets affected by the Project are measured. The PMU will disclose the cut-off-date to residents and local officials of each affected commune which coincides with the date of the public announcement of the land acquisition. In the case of Sa Pa, the cut-off date is the date Lao Cai People's Committee approves the project.
Ethnic minority	<ul style="list-style-type: none">- People with a group status having a social or cultural identity distinct from that of the dominant or mainstream society.
Entitlement	<ul style="list-style-type: none">- Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the APs, depending on the type and severity of their losses, to restore their economic and social base.
Host community	<ul style="list-style-type: none">- Means the community already in residence at a proposed resettlement or relocation site.
Income restoration	<ul style="list-style-type: none">- This is the re-establishment of sources of income and livelihood of the affected households.
Income restoration program	<ul style="list-style-type: none">- A program designed with various activities that aim to support affected persons to recover their income / livelihood to pre-project levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations
Indigenous people (Ethnic Minorities)	<p>Distinct, vulnerable, social and cultural group possessing the</p>

following characteristics in varying degrees:

(i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;

(ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;

(iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and

(iv) A distinct language, often different from the official language of the country or region.

Inventory of Loss (IOL)	- This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project right-of-way (PROJECT AREA) are identified, measured, their owners identified, and their exact location pinpointed. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of APs will be determined.
Land acquisition	- Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Rehabilitation	- This refers to additional support provided to APs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life.
Relocation	- This is the physical relocation of an AP from her/his pre-project place of residence and/or business.
Resettlement and Ethnic Minorities Development Plan (REMDP)	- A plan for resettlement of an ethnic minority population, combining the resettlement plan with specific ethnic minority concerns and cultural sensitivity for the specific needs of the ethnic minority groups.
Replacement cost	- The amount needed to replace an affected asset net of transaction costs such as administrative charges, taxes, registration and titling costs.
Replacement Cost Study	- This refers to the process involved in determining replacement costs of affected assets based on empirical data.
Resettlement	- This includes all measures taken to mitigate any and all adverse impacts of a project on AP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.
Resettlement Plan (RP)	- This is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation.
Severely affected households	- This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, and / or (ii) have to

Stakeholders	relocate. - Individuals, groups, or institutions that have an interest or stake in the outcome of a project. The term also applies to those potentially affected by a project. Stakeholders include land users, country, regional and local governments, implementing agencies, project executing agencies, groups contracted to conduct project activities at various stages of the project, and other groups in the civil society which may have an interest in the project.
Vulnerable groups	These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who are landless and with no other means of support.

NOTES

- (i) The fiscal year (FY) of the Government of Viet Nam ends on 31 December.
- (ii) In this report, "\$" refers to US dollars.

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EXECUTIVE SUMMARY

1. Introduction.

The main output of the PPTA will be to identify a range of subprojects which will support the agreed objectives of the Greater Mekong Subregion (GMS): (i) enhanced connectivity; (ii) increased competitiveness; and (iii) a greater sense of community. To this extent the GMS development program has placed emphasis on developing priority transport corridors in order to link regions/countries together to promote trade, tourism, and investment.

Under the Second Greater Mekong Subregion Corridor Towns Development Project, the recommended investment program for Sa Pa town consists of four subprojects: (i) Green City Master Plan; (ii) Road 1 – Route 152 Upgrading; (iii) Wastewater and Drainage; and (iv) Town Center Enhancement. Out of the above four subprojects, only the Route 152 upgrading and Wastewater Treatment Plant will cause IR impacts in the project.

In any development project, the objectives of the ADB's SPS are to avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the ethnic minority, poor and other vulnerable groups. In case of any land/assets impacted, a resettlement plan will be prepared and implemented. For the Sa Pa town, a Resettlement Ethnic Minorities Development Plan (REMDP) is developed for the upgrading of Route 152 starting from Sa Pa town to Ban Den (14.4 kms) as a large number of affected households belong to the ethnic minority groups (Hmong, Giay, and Tay people). The construction of the northeast waste water treatment plant will have limited land acquisition.

2. Land Acquisition Scope and Impact.

The major component that will have resettlement impact is the upgrading of rural road 152 (14.4km) that will cause the loss of land, structures, and crops and trees. The Loss of land with an area of 22,356.1 m² will affect 146 households (696 APs) and 1 CPC.

Of the 146 affected households, 61 HH will also be affected by loss of rice crops. Loss of trees, both annual and perennials, will affect 98 households. 11 HHs (34 APs) and 1 CPC will be affected due to the impact on houses/structures.

Among the 11 HHs whose house/structure will be affected, only 3 AHs (15 APs) will have their house affected entirely and will require to shift back within their homestead area. No relocation in another place is necessary. 3 AHs and 1 CPC will have their structures affected partially and require repair allowance over and above compensation for the affected area. 5 other households will be affected due to the loss of secondary structures such as: fencing yards and wall (3 AHs), cow shelter (1 AH), and toilet (1 AH).

Sa Pa town has not yet issued LURC to any households. Therefore, none of the households possess LURC. However, all affected households have lived in the area long before 2004¹ and are recorded by the CPC with no dispute. Therefore, they would be entitled to compensation for loss of land.

¹ According to the Land law 45/2013/QH13, households and individuals using land and having none of documents prescribed in Article 100 of this Law that have used land stably before July 01, 2004, with no violations of the land law and such land is certified by the commune-level People's Committee as dispute-free and conformable with the master plan on land use, detailed urban construction master plan and master plan on construction of rural residential areas approved by competent state agencies, shall be granted a certificate of land use rights and ownership of houses and other land-attached assets.

In the Road 152 component, 132 HHs (636 APs) belong to Hmong group, 5 HHs (24 APs) belong to Giay group, 1 Hh (5 APs) belongs to Tay group, and the rest of 9 HHs belong to Kinh ethnic group.

The construction of the northeast Waste Water Treatment Plant will require acquisition of 8,610 m² of land. Of this 4,500m² of agricultural land is owned by One Hmong household, losing 38% of his total land holding, and the rest 4,110m² is fallow land owned by the commune people committee.

Among 147 AHs, 18 AHs live in other communes but cultivate land in the affected area. Information of these 18 AHs is collected through the village leaders in the affected area, and need to be verified during the DMS.

For the southwest wastewater treatment plant the land is available as it was originally allocated to an earlier project but was not utilized. The total area of land requires is 15,955m², affecting 26 households, of which 3 households had to relocate to new area. No public land was affected. A due diligence was conducted to determine procedures for acquisition of land and other structures adopted by the CPC. The due diligence report is included in the Annex of this REMDP. The due diligence concluded that the procedures adopted for acquisition of land and other assets; and payment of compensation and assistance to affected households was carried out in accordance with the national and provincial law and regulations, and there are no outstanding resettlement issues related to above site. The town center enhancement will not trigger any resettlement issues.

There are a total of 6 HHs severely affected by the project, of which 5 HHs (21 APs) will be affected by the Road 152 subproject, and 1 HH (5 APs) by the wastewater and drainage subproject.

The consultant team decided to maintain the current cross section of Route 152 and adjust the road alignment to avoid, or minimize, IR impacts. The alignment will be further refined and finalized during the detailed design preparation stage.

3. Legal and Policy Framework.

The Project Resettlement Policy Framework is based on the reconciliation of Central and Local Government laws and regulations and ADB's Safeguard Policy Statement 2009. The purpose of these policies is to ensure that livelihood of all affected persons (APs) will be enhanced or at-least restored to their pre-project living standards. Entitlements of APs are established based on the Policy specified in the REMDP and consultation with the APs. Compensation prices for affected assets are based on replacement costs and measures are provided to ensure that all APs are able to improve or at least restored to their living conditions prior to subproject implementation. Additionally, affected households, and vulnerable groups will be provided assistance to support their job transition, livelihood restoration and relocation.

4. Public Consultation and Participation

Consultations, public meetings, and village discussions with APs and local officials were carried out during the resettlement planning process. Project policies and options with regard to compensation, resettlement, EM's development and income restoration were discussed during the meetings. Concerns and suggestions raised by the APs were elicited and incorporated into the REMDP.

The consultant raised specific questions to the women groups in the meetings and carefully listened to them encouraging their participation in the consultation process.

The participants from different ethnic groups believed that a better road will bring greater benefits for famers and communities and help increase their incomes. The rehabilitation of

the road will also have a direct impact on the women's groups due to the reduced travel time and better access to health centres/ hospitals and markets. Improved access to markets will help increased sale of agricultural products.

5. Grievance mechanism

During the public consultations, households were informed of the proposed grievance redress mechanism. However, during the resettlement finalization and implementation phase more consultations will be conducted and the households will be informed of their rights, and the detailed procedures for filing grievances. The appeal process will be publicized through an effective public information campaign and the households will be provided with Public Information Booklet (PIB), translated into respective ethnic languages. Attempts will be made to include representatives of different ethnic groups to work with project authorities for public consultation and information dissemination.

AHs (men and women) can lodge complaints regarding any aspect of the land acquisition and resettlement issues including entitlements, compensation rates, compensation payment, and planning and implementation of income restoration programs.

Procedure for redress of grievances, in Lao Cai Province, will be implemented according to Decree 84/2007 and the Law on Complaints and Denunciations No. 09/1998/QH10 of December 2, 1998).

In Sa Pa, the PMU has determined to establish a grievance board, separate from the compensation board. Members of the grievance board will include representatives of the Centre for Land Fund Development (CLFD), district and commune authorities, PMU, AHs, village leaders in the affected area, and representatives of the affected ethnic minority households. The procedure for addressing the complaints will follow a four-step process. The grievance redress mechanism in the project does not impede access to court at any time.

APs that present their complaints will be exempt from all administrative fees incurred and will be provided with free legal representation should they lodge appeals to district courts. All costs relating to grievance resolution will be borne by the project.

In case of complaints by the ethnic minority community, the village chief (or village elders) will play an important and critical role. Among the ethnic minorities village elders are seen as reputable, experienced persons and they usually play an important role in conflict resolution in the communities.

6. Issues on Gender and EMs

There are Hmong, Giay, Tay and Dao ethnic communities present in the communes covered by the project. The choice of the subproject investment here coincides with the poverty reduction target to the EMs in Sa Pa town of Lao Cai province². The National Programme on Gender Equality for 2011-2015 period has been approved by the Prime Minister's Decision No.1241/QĐ-TTg on 22 July 2011 with implementation fund of VND 955 billion.

82% of Sa Pa district population is ethnic minority people. However up to 96% of them live in the rural area. In Sa Pa town only 11% of the population is ethnic minority people³.

Currently there are a number of ongoing social assistance programs in Sa Pa, including the national Program 135 (provide production support and infrastructure) and Program 102 (provide production support for the poor). Additionally, there are several provincial programs

² Decision 32/2007/QĐ-TTg dated 05 March 2007 on the loan for developing production of poor ethnic minority HHs

³ Vietnam Population Census 2009, GSO

currently ongoing in Lao Cai province. These ongoing programs will be used as potential vehicles for formulation of income rehabilitation measures for the affected households. Since 2009, the district has implemented relocation program for the ethnic minority people under the Decision 33/2007/QĐ-TTg. In 2013, forty (40) households were relocated in a centralized area with the provision of basic social service facilities including health station and school.

According to statistics received from the Ethnic Minority Board, Lao Chai commune comprises mainly Hmong people with 557 households, while in Ta Van commune there are 117 Giay and 32 Dao households.

The Constitution of the Socialist Republic of Vietnam recognizes equal rights of men and women. The Vietnam Women's Union was established in 1930. This is a political organization which represents the legitimate rights and interests of the elite women of Vietnam and strives for the empowerment of women and gender equality.

The Gender Equality Law passed in 2006, has created more equal opportunities for women in the Vietnamese society. However, in the project area the majority of affected households are Hmong community which reportedly have several gender/social issues such as: domestic violence, perception that men's value is above women's, human trafficking, and poor environmental sanitation, etc. Women are often responsible for managing cash income within family and make their own decisions about daily expenses.

The gender mainstreaming strategy is described in the REMDP, which encourages the participation of women in the resettlement committees, strengthening the capacity building activities for women and vulnerable groups to ensure that women and ethnic minorities benefit fully from the project, while minimizing negative impacts.

7. Institutional Arrangements.

The Provincial People Committee (PPC) through its PMU, will ensure coordination for the implementation of the REMDP. PPC will coordinate with the DPC to ensure that the compensation and assistances are administered according to the provisions of this REMDP. The PMU will be assisted by the Project Implementation Consultants (PIC). A Centre for Land Fund Development with representatives of affected persons will be established to implement the compensation, assistance and resettlement process.

The Project Implementation Consultant (PIC) will include one international safeguard specialist and one national specialist, to assist and supervise all social and resettlement-related activities. The national resettlement specialist will also have experience in ethnic minority issues and will be proficient in the local (Hmong) language.

8. Budget

The basis for calculation of the value of the losses was made as per provincial regulations and consultation with the local people. Applicable compensation rates will be reviewed and verified during the RP updating and following RCS and consultations with the provincial authorities. The direct cost is estimated at **9,417,172,410 VND** (USD 448,436). Total resettlement cost including internal monitoring, management cost at 2 %, and 10% contingency is estimated at **10,544,593,099 VND** (USD 502,123). The Government of Viet Nam will cover all costs of resettlement.

9. Internal Monitoring

The PMU with support from the implementation support consultants and safeguards staff will carry out internal monitoring of resettlement planning and implementation of resettlement activities. The scope of internal monitoring will cover an assessment of: (i) compliance with the agreed resettlement policies and procedures; (ii) timely availability and efficient use of

personnel, material and financial resources; and (iii) identification of the need for remedial actions to correct any problems that arise.

The PMU will prepare quarterly internal monitoring reports on the resettlement activities, consolidating information submitted by the PMU and consultants. Since the severity of economic disruption is expected to be minor in nature, with only 6 households affected by the loss of more than 10% of productive land and entire loss of structures, the engagement of an external monitor for this subproject is not warranted. This provision can be reassessed at the time of detail design if the impacts are determined to be more significant. A process, timeline, and indicators for monitoring are provided in this REMDP. All data in the monitoring reports will be disaggregated by sex and ethnicity.

The project falls into category B and therefore external monitoring is not required. The PMU will prepare quarterly monitoring reports and submit to ADB.

10. Implementation schedule.

The final REMDP will be implemented before the start-up of construction of the project. All the APs will be paid compensation for their affected assets by the end of the first quarter of 2016, and site clearance will be completed in the third quarter of 2016.

REMDP Updating/Implementation Activities	Schedule
REMDP updating with Consultations, carry out DMS, socio-economic surveys, RCS and disclosure of the subproject.	Quarter 4, Year 1 (2015)
Approval of updated REMDP by Lao Cai PPC and ADB	Quarter 4, Year 1
Recruit Implementation Support Consultant (resettlement)	4 th Quarter , year 1
Implementation of updated REMDP actions including payment of compensation.	Quarter 1 and Quarter 2, Year 2
Implementation of the livelihood restoration program	Quarter 1 and 2 , year 2
Award of civil works contracts.	End of Quarter 2, Year 2
Internal monitoring.	Quarterly
Clearance of acquired land.	Quarter 3, Year 2
Start of civil works.	Quarter 4, Year 2

I. SUBPROJECT DESCRIPTION

A. Background of the Project

1. This Regional Project Preparation Technical Assistance will establish the basis for proposed investments and capacity building in selected economic corridor towns in the Kingdom of Cambodia (Cambodia), the Lao People's Democratic Republic (Lao PDR) and the Socialist Republic of Vietnam (Viet Nam). The main output of the PPTA will be to identify a range of subprojects which will support the agreed objectives of the Greater Mekong Subregion (GMS): (i) enhanced connectivity; (ii) increased competitiveness; and (iii) a greater sense of community. To this extent the GMS development program has placed emphasis on developing priority transport corridors in order to link regions/countries together to promote trade, tourism, and investment. This in turn is facilitating development and investment in the associated economic corridors, principally in the corridor cities and towns, including the cross-border areas between GMS related countries. This has placed pressures on the corridor cities and towns to facilitate economic growth through a broader economic base including the development of agri-business, tourism, industrial parks and transport/logistics facilities. This is being done with varying levels of success from town to town, but many towns are unable to "keep up", through lack of funding and resource capacities.
2. In order to lay the foundations for future economic growth, importance is placed on the potential to assist social and economic development by providing basic infrastructure and urban upgrading works. In Vietnam, it is proposed to assist implementation of the urban master plan development priorities in Bac Giang, Mong Cai and Sa Pa towns. The proposed urban component will meet the demand for accessing new development land, relieve the congestion in other parts of the town and provide vital economic and social linkages within village communities, catering for farm to market access and for expanding tourist numbers. Thus, they will also provide a context for environmental upgrading and beautification elsewhere, which in turn will have further social and economic benefits.

B. Sa Pa Subprojects Location and Impact Areas

3. Within Lao Cai province, Sa Pa is a small town (urban grade V), located about 35km from and closely connected with Lao Cai city, the administrative center. Sa Pa District strives to be a Class III urban centre by 2020. The district population in 2013 was about 54,000 persons with an urban population of almost 15,000. The growth of the Sa Pa town population is forecast to continue with a trend based forecasting of 17,175 in 2020 and 20,936 in 2030⁴.
4. The regional setting of Sa Pa is significant to the extent that its neighbor Lao Cai is a border gate city with China and is situated along the Haiphong-Hanoi-Kunming Economic Corridor. This corridor is one of the most dynamic of all the economic corridors and the recently completed road expressway linking Hanoi to Lao Cai (250km) and into China will increase its value and intensify a whole range of economic activities along its route. This will directly impact Sa Pa and we understand that claims are being made that visitor numbers are already rising since the expressway was opened.
5. The population characteristics of Sa Pa are typified by a large percentage of ethnic minority peoples, particularly in the rural communes. Across Sa Pa District the largest groups are Hmong at nearly 52%, followed by Dao 23.04% and Kinh at 17.91%⁵.

⁴ Brief Description Of Sa Pa Urban Town Planning, 2013

⁵ Vietnam Population Census 2009, GSO.

Unfortunately the high percentages of ethnic minority peoples equates with relatively high levels of poverty, particularly in the rural communes. This situation is not peculiar to Sa Pa and is reflected across the whole of Lao Cai province, which is one of the poorest provinces in Viet Nam. Although the rate of poor and "near poor" households in Sa Pa District is decreasing, but at 2013 it was still at 31.6% of the total population. Lao Cai commune had a 2013 poverty level of some 52%. This is in marked contrast with Sa Pa town where the poverty level was only 4.06% in 2013. Recorded unemployment in Sa Pa town is also low, some 1.8% in 2013⁶.

6. The mountainous terrain of Sa Pa District seriously restricts availability of development land. Flat land suitable for development is in short supply. At the same time the availability of good quality urban services, including regional/strategic road connections and water supply has lagged behind demand in Sa Pa. Thus restricting the nature and scale of investment in the urban sector, including tourism. The current strategic road links, particularly from Lao Cai to Sa Pa may be inadequate in the medium-long term to cater for the anticipated traffic loads. Currently Sa Pa Town faces severe environmental problems caused by inadequate water supply, solid waste management and an absence of wastewater treatment facilities.
7. Once the proposed regional/strategic road connections are in place and urban service/infrastructure provision is improved it is reasonable to expect that the pressures to develop new land areas will increase and the development would be haphazard unless regulated and guided judiciously. In general terms it can be expected that the pace of urban development will increase, thus providing opportunities for a significantly higher level of private sector investment in a wide variety of sectors, including tourism/hospitality, recreation/leisure, residential development, retailing, commercial/business services, and transport/logistics.
8. Environmental quality will be at risk, particularly the high quality landscapes that characterize Sa Pa District. Therefore the importance of a strong strategic and local planning policy/development control regime, along with the capacity to implement it will be essential. To this extent the influence of the Hoang Lien National Park regulations in controlling the nature and scale of urban development are important.
9. Considering the situation in Sa Pa explained above, the subproject proposed four components for improvement in the town: i) rehabilitation of road 152, ii) improvement and management of waste water treatment in 2 locations; iii) enhancement of the town center; and (iv) Green City Master Plan. Among the above four components, only the road rehabilitation and one wastewater treatment plant in the Northeast (limited impact) will cause resettlement impacts. For the southwest treatment plant, the land is already available. The land was originally acquired for another project which did not materialize. A due diligence was conducted to determine the procedures adopted for acquisition of the land. The DD report is presented as Annex 4. The Town Centre Enhancement and Green City Master Plan components will not cause any land acquisition and resettlement impacts.

1. Rehabilitation of Road 152

10. Route 152 is part of a strategic road connecting south of SA Pa, passing through Sa Pa up to the Lao Cai – Hanoi Expressway.
11. The key current functions of the road are to provide access to local villages; to provide farm to market links and to generally provide villagers with access to the economic (eg employment) and social opportunities in Sa Pa. The road also facilitates access to a very

⁶ Data provided by Bureau of Labour, Invalid and Social Affairs of Sa Pa District

high quality landscapes that are visited by tourists, and access to walking trails and to “homestay style accommodation”. The location is showed in Figure 1a&b: Location of the Road 152.

12. Part of this route from the vicinity of the Expressway to Ban Den has already been upgraded. The section between Ban Den and Sa Pa remains in a poor condition and is typified by: (i) widths and alignments are variable, such that it is difficult in some areas for vehicles to pass; (ii) road surfacing is mainly poor and some sections are almost rough tracks; (iii) roadside drainage is largely non-existent such that soil erosion and road deterioration of road edge is common including occasional landslides. Extensive stakeholder discussions confirmed that poor road conditions are considered to be uncomfortable and inconvenient and a significant constraint to further economic development of the local villages. It is also recognized that the indiscriminate sale of ethnic goods at the road side is a potential road safety hazard.
13. Consequently there is economic, social and environmental justification for this road to be upgraded for local village access, to support tourism and tourist access and to complete upgrading of an alternative strategic road link between Sa Pa and the Expressway.

Figure 1a: Location of the Road 152

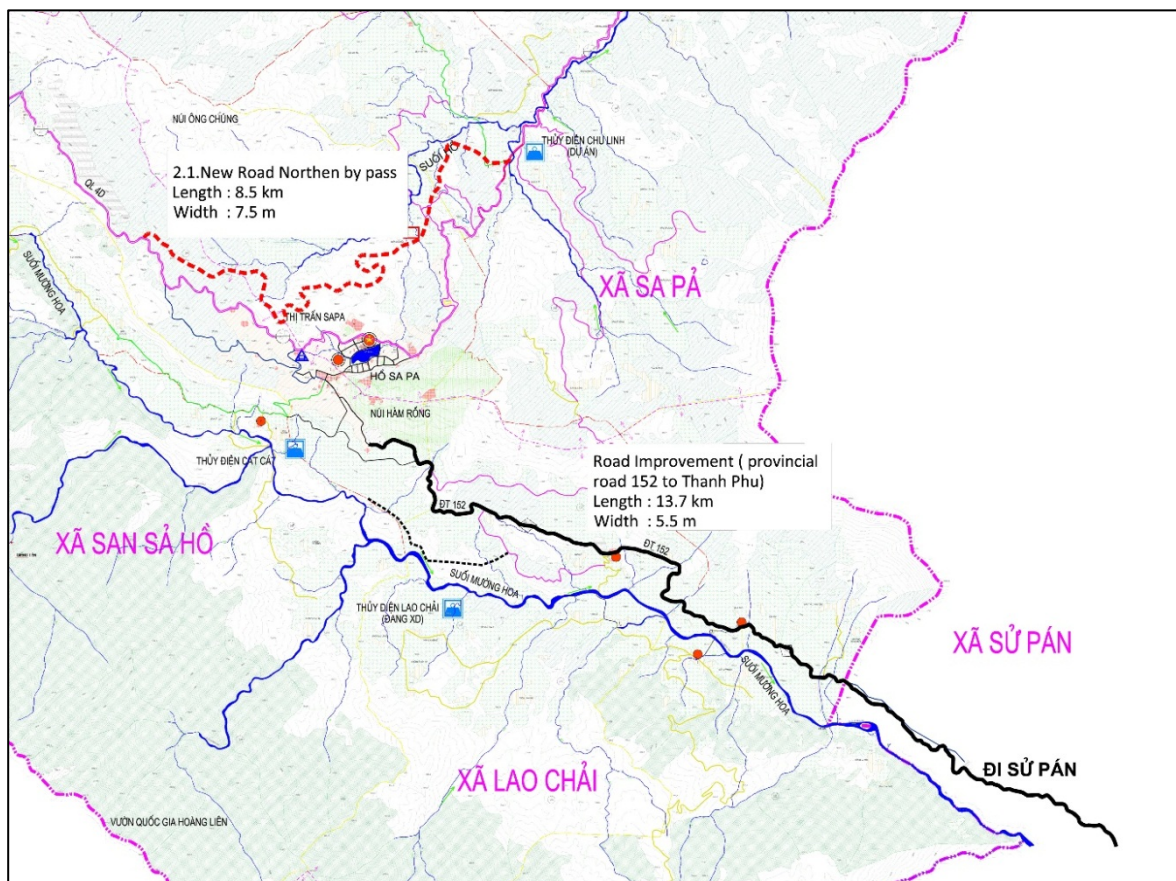
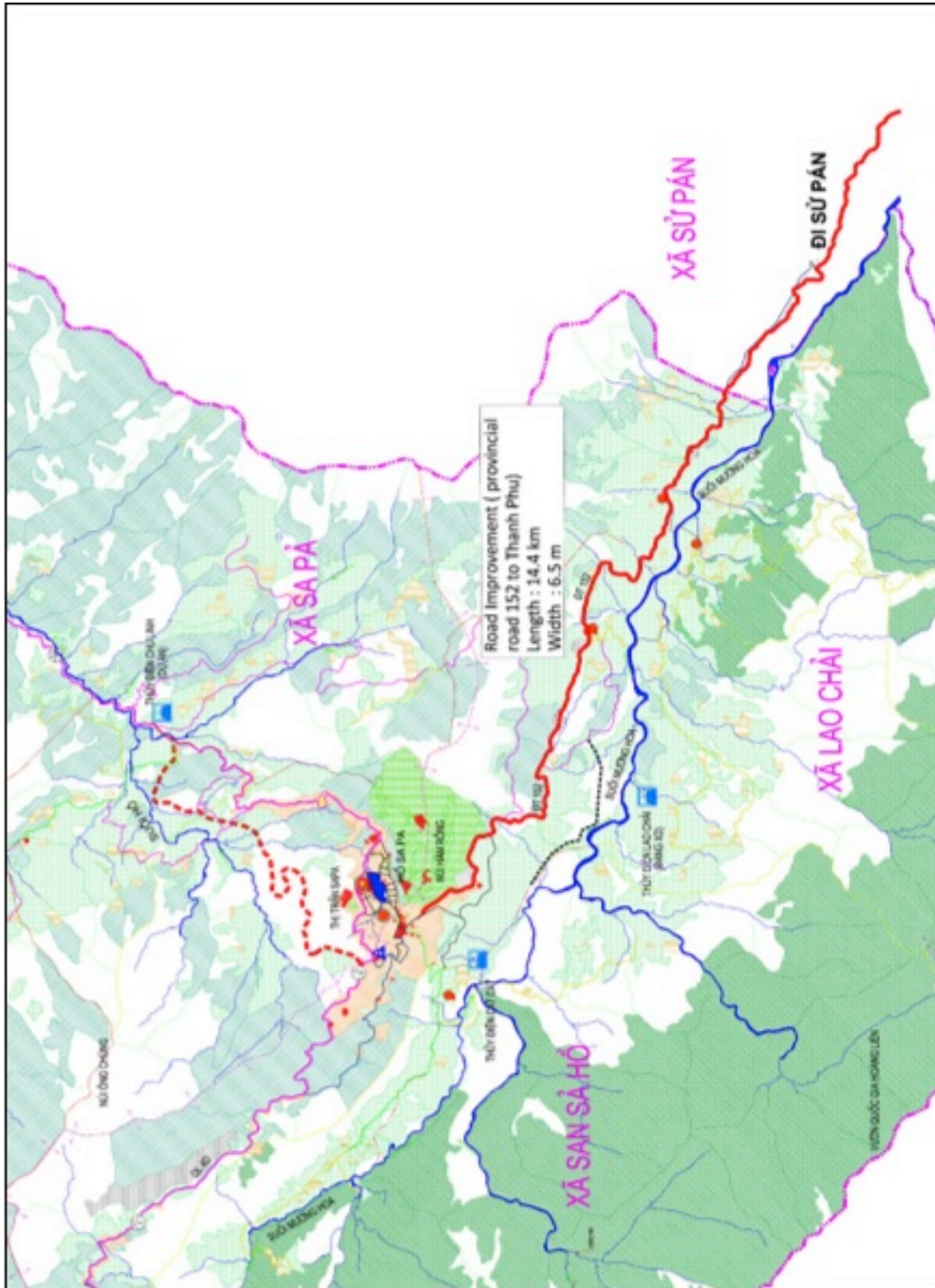


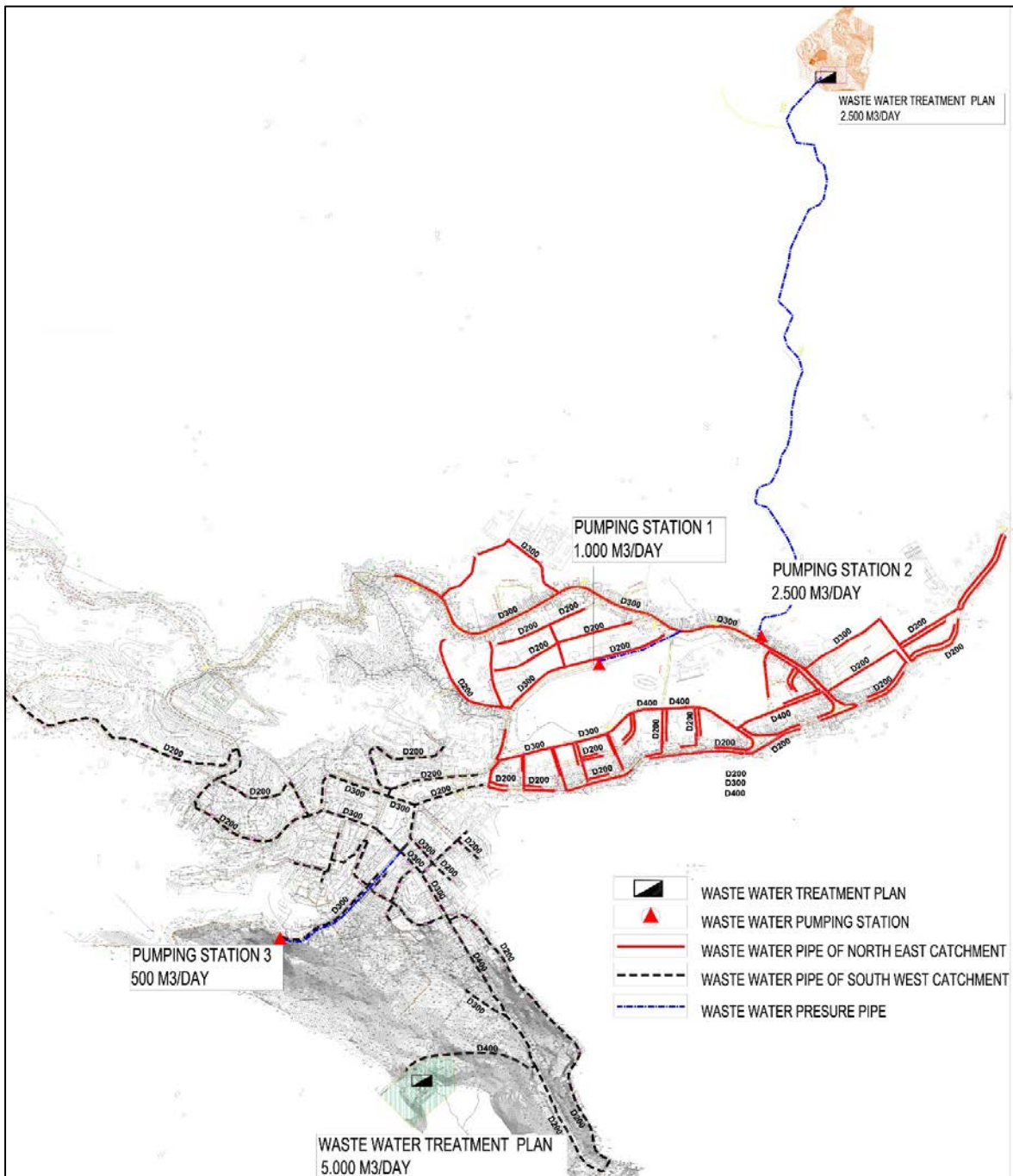
Figure 2b: Location of the Road 152



2. Improvement of Wastewater management

14. There are two catchments in Sa Pa: (i) the north-east which includes the town, lake and the new market area; and (ii) the south-west which includes the old town area. There are currently no wastewater treatment facilities and the existing combined wastewater/stormwater collection system is in poor condition.
15. For the north-east catchment, wastewater and stormwater is collected and released into a natural stream that flows from the lake in the middle of town. This stream is very polluted and smells strongly especially during the dry season. For the south-west catchment, combined wastewater flows through the old town and passes through a closed culvert down to a single concrete chamber designed as rudimentary treatment. However this is unlikely to improve the effluent, which runs from this chamber down the valley side.
16. Wastewater from both catchments cause pollution in the lower rivers and streams (Ngoi Dum stream, Ngoi Bo stream and Muong Hoa stream) which then flows towards Lao Cai city. Lao Cai uses these waterways as the raw water source for the city's water supply. Most houses use septic tanks inside their property boundaries, the effluent from which is discharged directly to the combined drainage system. A wastewater collection and treatment system is therefore required to: (i) prevent further deterioration of river water quality; (ii) to prevent downstream pollution risks, with specific reference to village communities and to Lao Cai; and (iii) provide an environment appropriate to Sa Pa's reputation as tourism center emphasizing ecological quality.
17. For both the catchments, the project will include a separate wastewater collection system including pipe network, pumping stations and wastewater treatment plants in the southwest and northeast of the town. Domestic and commercial wastewater will be collected from connected septic tanks and then piped to the wastewater treatment plant. By separating the wastewater and stormwater at source, pollution of stormwater is prevented, and the volumes of wastewater requiring treatment are lower and therefore cheaper to treat.
18. For the north-east catchment the wastewater treatment plant will have a capacity of 2,500m³/day. Most of the wastewater will be gravity fed to a main collection chamber and then pumped to the wastewater treatment plant. For the south-west catchment the wastewater treatment plant will have a capacity of 5,000m³/day. The system can mostly work on gravity alone, but one pump station will be required to collect wastewater from the lower areas to the south west of the town.
19. The location of both the WWTPs is shown in Figure 2.

Figure 3: Location of the 2 WWTP Sites



3. Town Center Enhancement

20. The full economic and social value of the town center for local residents, property owners and tourists is not realized, such that the area is characterized by:

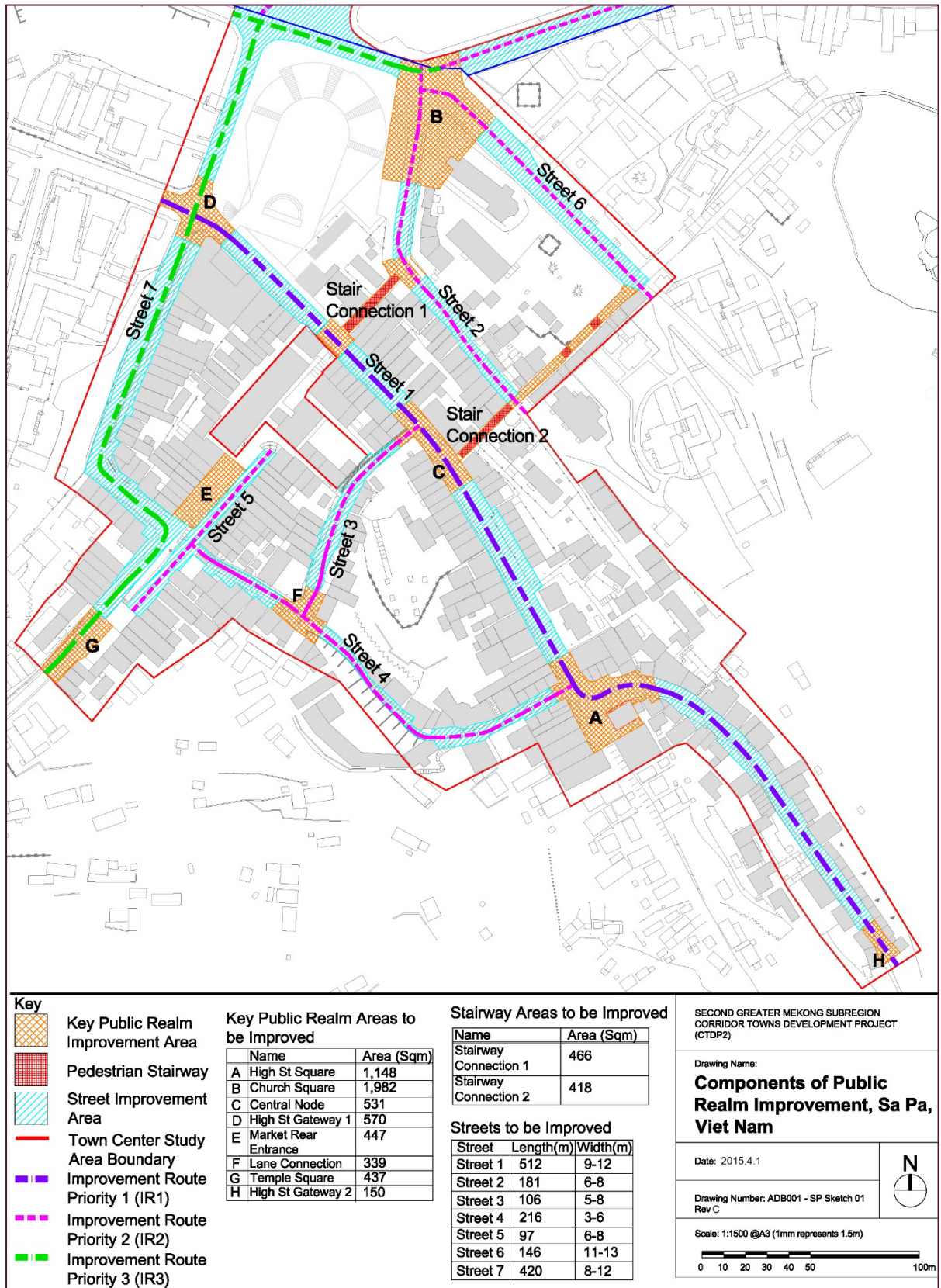
- 1) Deterioration of the visual quality and functionality of the public spaces, including street and footpath surfacing, street furniture and lighting, soft landscaping and overhead wiring.
- 2) Deterioration of the pedestrian environment through pedestrian/vehicular conflicts through the largely unrestricted traffic access to the town center streets.

- 3) The scale of some new development (eg hotels) is out of scale with the visual character of the town center, which in turn will intensify the problems of traffic of pedestrian/vehicular conflict and potential traffic congestion.
 - 4) The loss of the Old Market is a significant loss to the economic and social fabric of the town center and will directly hinder tourism development.
 - 5) Inadequate resources, incentives and controls to prevent the process of deterioration and to encourage investment in the town center.
 - 6) Stakeholder awareness of the economic and social value of a high quality town center is not fully realized.
21. Generally the high quality environment of the landscapes, which surround Sa Pa is in - marked contrast to the poor quality environment of the town center. It is this issue which forms the rationale/justification for this component.
 22. **Part A:** Phased implementation of public spaces enhancement, including the main streets, alleyways/steps and open spaces that make up the town center and its surroundings. This specifically includes the high street (Cau May), the surrounding commercial and residential streets, the Church Square and the link area from the Church Square to the central lake. The enhancement of the public realm is designed and will be implemented in conjunction with proposals for better pedestrian priority and traffic management.
 23. **Part C:** Public sector capacity building through a stronger management regime to ensure sustainable public realm enhancement and to secure better development control within the context of approved design guidelines.
 24. **Part D:** Private sector capacity building, to develop community/property owner participation in town center enhancement as a context for increasing economic performance and social development in the town center.
 25. The locations of proposed interventions under the Town Centre enhancement components are shown in Figure 3.

C. Measures Taken to Minimize Negative Impacts

26. Efforts to minimize adverse social impacts of the subproject include the shifting of the proposed road alignment at various points to avoid structures, public facilities, water bodies, and hilly areas. Likewise, the selection of the site for waste water plant was done to avoid settlements of houses and cultivation areas.
27. During the census of affected people (APs) and the inventory of losses (IOL), AHs were advised (through consultations) not to construct new structures within the rights of way (ROW) and/or make extensions and improvements to structures that have already been documented during the IOL. A Public Information Booklet (PIB) that explains, among others, the policy on cut-off date for eligibility, will be distributed to the AHs and local governments during the preparation of the updated REMDP. Government will ensure that the acquisition of assets, payment of compensation, assistance and rehabilitation of the AHs will be completed prior to the issuance of notice to proceed (NTP) to start construction works.
28. The negative impacts include the loss of land of 30,966.1m² area. Of this, the land required for construction of waste water treatment plan admeasures 8,610m². Additionally, the proposed road rehabilitation will cause impact on 22,356.1 m² with only 3 houses that will need to be rebuilt within the remaining homestead land. The productive land acquired for the WWTP will incur loss of income for one household (5 APs) affecting

Figure 4: Locations of Proposed Improvements of Public Spaces



38% of his total land holding. Overall, adverse impacts on affected households are not significant for the households along the road, with an average loss of 160m² per HH.

29. Of 138 affected ethnic households: 132 households are Hmong people (636 APs), 05 households are Giay (24 APs) and 01 household is Tay (5 APs).
30. This REMDP ensures that the subproject will (i) avoid involuntary resettlement wherever possible; (ii) minimize involuntary resettlement by exploring subproject and design alternatives; (iii) enhance, or at least restore, the livelihoods of all affected persons in real terms relative to pre-subproject levels; and (iv) improve the standards of living of the poor HH affected by their house shifting.
31. The objective is to design and implement subprojects in a way that fosters full respect for Ethnic Minority Peoples' (EMs') identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the EMs themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of subprojects, and (iii) can participate actively in subprojects that affect them.
32. This REMDP is the guiding document that identifies the key issues to be addressed in reconciling the requirements of ADB's Involuntary Resettlement and EMs Policies with national and provincial government policies in Vietnam. Concerns for involuntary resettlement and EMs have been integrated in this document and will govern subproject design, implementation, and monitoring.
33. This REMDP includes the following:
 - (i) Policy and procedural guidelines for asset acquisition, compensation, relocation assistance, and strategies that will ensure full restoration of the affected household's livelihood and standard of living;
 - (ii) Identification of households and communities to be adversely affected by the Project, inventory of their losses, entitlements to compensation and assistance, and measures to mitigate adverse impacts as well as for restoration of incomes;
 - (iii) A plan on how the affected households will be involved in the various stages of the Project, including resolution of grievances; and
 - (iv) An estimate budget for resettlement implementation.
34. The REMDP will be updated during project implementation based on the Detailed Measurement surveys (DMS), following completion of the detailed design.

II. SCOPE OF RESETTLEMENT AND AFFECTED PERSONS

A. Survey Process

35. The Resettlement Surveys were carried out along the road 152 in the communes of Lao Cai, Ta Van, Hau Tao and Su Pan, and in Sa Pa town, which are affected by the component. The census and IOL survey was conducted during 5 -29 January 2015 consisted of an Inventory of the Losses (IOL) for all affected households, as well as a socioeconomic baseline survey covering 29 affected households, randomly selected out of 147 affected households (20%). The Census, IOL and SES were carried out through extensive consultation with the affected households including ethnic minority people. The consultation for the urban road subproject was carried out on January 24, 2015 with representatives of 15 affected households, and the head of the Pho village was carried out in a private room to create a safe and comfortable environment. The village leader helped in translation into the Hmong language and facilitated discussion with the ethnic minority groups. The consultant raised specific questions to the women in the meeting and carefully listened to their comments and encouraged their participation in the meeting. Another public consultation exercise was carried out on January 25 with 1 HH (5APs) in the wastewater sub-project. In addition, a Replacement Cost Survey (RCS) was also conducted to determine prevalent market rates to be used for loss of different kinds of assets: land, crops, trees, structures, and other non-land based incomes, to ensure that project affected persons (APs) are compensated at the replacement cost based on the current market value. Similar survey was also carried out for the WWTP component affecting one HH. Brief description of various surveys carried out is presented below:
36. **Inventory of Losses (IOL).** IOL was based on the Primary Design. The information in regard to the affected agricultural and residential land, with and without any structures, was obtained from cadastral records of the commune and layout of the road primary design. The areas and current use of affected land will be further verified during the Detailed Measurement Survey (DMS) during the implementation stage. For affected structures, crops or trees, the enumerators obtained information from interview of affected households, field observations on the condition of the structures and through physical measurement of affected structures.
37. **Socioeconomic Survey (SES).** General macro level information about the province, district and commune was obtained through secondary sources such as provincial and district year book and annual socioeconomic reports of the communes. Information on socioeconomic characteristics of households was collected through structured questionnaire surveys that included information on the profile and characteristics of the selected affected households, their income levels, sources of income, ethnic composition, education levels, possession of consumer goods, awareness of project objectives, etc.
38. **Replacement Cost Survey (RCS).** The purpose of the Replacement Cost survey was to collect information on the current market prices of land and other assets in the area surrounding the road alignment in order to establish compensation rates. The PPTA consultant carried out several discussion sessions with the local authorities and local people in order to conduct the rapid replacement cost survey for both the Road 152 and the northeast WWTP components.
39. **Public Consultations.** In addition to the survey, focus group discussions (FGD) with affected households were organized in the commune to elicit views from all participants and to avoid getting feedback from any particular dominant social group, particularly the male participants (which is often the case in Hmong communities). The FGD covered different stakeholders including women groups, ethnic minorities, farmers, etc. The

objective of the FGD was to disseminate information on the scope of the project, potential benefits and impacts, entitlements, preliminary implementation schedule, and grievance redress mechanism. Such FGD sessions provided opportunities to the participants to express their concerns, provide feedback on various issues. In addition, in-depth interviews with affected households, the female headed households, and ethnic minority households were also carried out.

B. Permanent Impacts

40. The project will affect 147 households (701 persons), of which 146 (696 persons) households will be affected by the road 152 component and 1 household (5 persons) in the Northeast WWTP component. Additionally, 2 CPCs (one in each component) will also be affected due to construction of the project.

Rehabilitation of Road 152

41. The major component that will have resettlement impact is the upgrading of rural road 152 (14.4km) which will incur the loss of land, structures, and crops and trees. The area of the land loss is 22,356.1 m² affecting 146 households (696 APs) and 1 CPC.
42. Of the 146 AHs and 1 CPC, 9 AHs (34 APs) and 1 CPC will lose 554.1m² residential land; and 137 AHs (660 APs) will lose 21,802m² of different types of production land (land for rice cultivation, land with annual trees, land with perennial trees, forest land, and land for forest production).
43. Among 146 AHs, 18 AHs live in other communes but cultivate land within the affected area. Information on these 18 AHs was collected through the village leaders in the affected area but will need to be verified during the DMS.

Northeast WWTP

44. For the construction of the Wastewater Treatment Plant 8,610 m² of land will be required. One household (5APs) will be affected by loss of agricultural land of 4,500 m² area, forming about 38% of total land holding. The rest of the land (4110 m²) affected by the project is fallow land owned by the commune/town people committee.
45. According to the provincial regulation, Decision **26/2013/QĐ-UBND** issued on 25/7/2013, which follows the Decree 47/ 2014/ ND_CP, public land is subject to compensation when it is acquired. The compensation is equal to 100% of the price for the specified agricultural land. The compensation shall be deposited to the State budget managed by the commune authorities and shall be used as investment on the infrastructural works serving community's needs (40%), and those of villages and counties where land is acquired (60%). Therefore, total area to be acquired is 30,966.1 msq.

Southwest WWTP

46. For the southwest wastewater treatment plant the land is already available. The land was previously acquired for another project which did not materialize. The land acquired was 15,955m² in area, affecting 26 households. Of these, 3 affected households will need to be relocated to a new area. No public land was affected. A due diligence conducted for the acquisition of the said land determined that procedures adopted for acquisition of land were in accordance with the national/provincial and local laws and regulations and that there are no outstanding claims, disputes or issues related to the acquisition of land. Due Diligence report is attached as Annex 4 of this REMDP.

47. The detailed area impacted is summarized in Table II-1.

Table II-1: Summary of Impacted Land for Both Components

Type of impacted land	Total area	Impact to HH			Impact to CPC	
		# HH	Affected area (m2)	# AP	# CPC	Affected area (m2)
Rehabilitation of Road 152	22,356.1	146	22,339.1	696	1	17.0
Residential land	554.1	9	537.1	34	1	17.0
Land for rice cultivation	8,206.3	61	8,206.3			
Land with annual trees	8,965.3	71	8,965.3			
Land for perennial trees	3,500.2	12	3,500.2			
Forest land	970.0	2	970.0			
Land for forest production	160.2	2	160.2			
Northeast WWTP	8,610.0	1	4,500.0	5	1	4,110.0
Land for rice production	4,500.0	1	4,500.0			
Unused land	4,110.0				1	4,110.0
Total	30,966.1	146+1⁷	26,839.1	701	2	4,127.0

1. Loss of land

48. 9 AHs will lose 537.1sqm of residential land and 1 CPC will lose 17sqm of land with their office.

49. Except for the residential land, all the other types of land listed in the Table II-1 above are considered production land. In total, 138 AHs will lose production land.

50. Majority (98%) of the households will lose less than 10% of their production land. Only 3 households will be affected by the loss of 10-70% of their production land. Of these 3 HH, 2 HH are under the Road 152 component, and 1 HH is under the Northeast WWTP. Socioeconomic information indicates that the loss of production land for these three households will cause consequent loss of >10% of their HH incomes. These 3 AHs are therefore considered to be severely affected due to the loss of production land.

51. Most of the affected households own quite large land areas. Among these households, the minimum remaining productive area is 700m², which is sufficient to continue their agricultural production. Thus, none of household is found to be severely affected due to the viability of the remaining area. Table II-2 below presents the number of households with the level of impact on land of different types of production land.

⁷ Many households are affected multiple losses.

52. The households are entitled to compensation for the loss of different types of land at market rate, as per the local government regulation and in accordance with ADB SPS. Additionally, the 2 CPCs (1 CPC affected by the partial loss of its office in the Road 152 component and 1 CPC affected by loss of its un-used land in the Northeast WWTP) will also be entitled to compensation as regulated in the Decision 26/2013/QD-UBND dated 25/7/2013 by Lao Cai PPC.

2. Impact on houses and structures

53. The impact on houses and structures is not significant, the total affected area of residential land being only 572.1m². 3 households will be affected by entire loss of their structures and will be required to shift back within their remaining homestead areas. No relocation to another place is necessary. 3 AHs and 1 CPC will have their house/office partially affected and the remaining structures are viable for continued use. These 3 HH and the CPC will be entitled to compensation for affected areas as well as a repair allowance for façade upgrading of partially affected structures. Total area of affected main structures is 446.1 m². Additionally, loss of secondary structures will impact 5 HH. These include the loss of boundary wall and yard (3 HH), cow shelter (1 HH), and toilet (1 HH).

54. The households and CPC who will experience loss of the house/office and/or structure are entitled for compensation as per regulation of the local government (Decision 26/2013/QD- UBND dated 25/07/2013 of Lao Cai PPC), and in accordance with ADB SPS.

55. Among the 11 households and 1 CPC with house and/or structure affected, 2 HH are affected by loss of secondary structures (1 toilet and 1 cow shelter) built on agricultural land. These structures will also need to be compensated. However, compensation of the land will be based on the rate applicable to agricultural land.

Table II-2: Number of HH with Production land affected

Component / ward, commune	< 10% of total land			10% - 70%			>70%			Total		
	Number of AHs	Number of APs	% of AHs	Number of AHs	Number of APs	% of AHs	Number of AHs	Number of APs	% of AHs	Total of AHs	Total APs	% of AHs
Road 152	135	663	97.8%	2	6	1.4%	0	0	0.0%	137	669	99.3%
Sa Pa	9	37	6.5%			0.0%			0.0%	9	37	6.5%
Lao Cai	30	159	21.7%	1	4	0.7%			0.0%	31	163	22.5%
Ta Van	24	121	17.4%			0.0%			0.0%	24	121	17.4%
Hau Thao	23	119	15.9%	1	2	0.7%			0.0%	23	121	16.7%
Su Pan	50	227	36.2%			0.0%	0	0	0.0%	50	227	36.2%
Northeast WWTP	0	0	0	1	5	0.7%	0	0	0	1	5	0.7%
Suoi Ho			0.0%	1	5	0.7%			0.0%	1	5	0.7%
Grand Total	135	663	97.8%	3	11	2.1%	0	0	0.0%	138	674	100%

56. The list of households with house and secondary structures affected is presented as below:

No.	Household/CPC	Commune	Type of affected structure	Total area	Affected area	Note
1	Giàng A Vàng	Hau Thao	House grade 4, metal sheet roof	100	100.00	Entire Loss, Shift back
2	Nguyễn Minh Thông	Ta Van	Wooden house	200	82.60	Entire Loss, Shift back
3	Nguyễn Việt Quế	Ta Van	House grade 4, metal sheet roof	400	204.00	Entire Loss, Shift back
4	Đỗ Hoàng Hiếu	Lao Chai	House grade 4, deck roof	200	34.50	Partial impact on main structure
5	Lao Chai CPC	Lao Chai	House grade 4, deck roof	200	17.00	Partial impact on main structure
6	Phạm Văn Phúc	Lao Chai	House grade 4, metal sheet roof	200	15.00	Partial impact on main structure
7	Giàng Thị Mão	Hau Thao	House grade 4, metal sheet roof	100	10.00	Partial impact on main structure
8	Lý A Dê	Lao Chai	Concrete yard + stone wall	300	30.00	Loss of Secondary structure
9	Giàng A Sáng	Ta Van	Concrete yard + stone wall	200	30.00	Loss of Secondary structure only
10	Đặng Thị Duyên	Su Pan	Concrete yard	118	31.00	Loss of Secondary structure only
11	Sùng A Tỏa	Su Pan	Cow shelter	15	15.00	Loss of secondary structure only
12	Hạng Thị Pho	Hau Thao	Toilet	3	3.00	Loss of secondary structure only
			Total	2,056	572.10	

3. Impact on crops

57. Rice and corn is the main crop which will be affected due to construction of the subprojects. 62 HHs (61 in the Road 152 and 1 in the WWTP) with the total area of 12,744.3 m² of rice will be affected. 73 HHs (all in the Road 152 component) with the total area of 9,085.9 m² will be affected by loss of corn crop. Additionally, 2 HHs in Su Pan will be affected due to the loss vegetable gardening over an area of 87.3 m².

58. It is necessary to note that the total area with affected crops (12,774.3m²) is larger than the total area of land for rice cultivation (12,706.3m²) which is shown in the Table II-1, because a number of households are cultivating rice on the land type other than land for rice production. These households are entitled for compensation to the rice affected and to the land that they are actually allocated.

59. All of these households will be entitled for compensation of loss of crops & vegetables as per regulation of the local government.

4. Impact on trees

60. Fifteen (15) households in the Road 152 component will be affected by loss of trees. None of the households will lose trees in the WWTP component. In the Road 152 component 5 HHs with 124 cluster of bamboo, 2 HHs with 20 eucalypts trees, 2 HHs with 7 frangula alnus trees, 1 HH with 7 longan trees, 1 HH with 7 cluster of banana, 3 HHs with 41 timber trees, and 1 HH with 4 peach tree will be affected due to the component. All the affected 15 households are entitled to compensation as per regulation of the local government.

C. Temporary Impacts

61. Based on the initial social assessment, and the public consultation with representatives of the affected households on 24 and 25 January 2015, the proposed subprojects will not have any potential temporary impacts on assets and/or livelihood. There will be temporary minor impacts such as noise and dust pollution during the construction phase which will be mitigated and addressed in the Environmental Management Plan. However, in case of any potential temporary impacts during the construction phase appropriate measures will be undertaken by the project authorities. To ensure that the temporary impacts are minimized, if not avoided entirely, civil works contracts will include the following provisions: (i) contractor shall pay rent for any land required for construction work at the rate of a crop loss; (ii) to the extent possible, only unused land will be undertaken for construction work space; and (iii) temporarily used land will be restored or improved to its pre-project condition; and (iv) all roadside businesses and residential areas will continue to have proper access during the construction phase. Any temporary loss of business incomes will be duly compensated in accordance with the policy in the project.

D. Tenure status of AHs Losing Land

62. The provision of the Land Use Rights Certificate (LURC) had not been completed by all the communes (Sa Pa town, Lao Cai, Ta Van, Su Pan, and Hau Thao communes) affected by the subproject but the legal status of the land has been acknowledged. The detailed land use map for Sa Pa is under development, based on the information obtained from GPS and with the certification/verification by the head of villages. This will be taken as the basis for calculating affected area for the AHs during the DMS. According to Lao Cai EA, all land lots which are not yet occupied by anyone, with certification of the head of village is considered as land owned by the town people's committee.

E. Vulnerable Households

63. Of the 138 ethnic minority households interviewed: 132 households are Hmong people, 05 households are Giay and 01 household is Tay. Out of 147 AHs 10 poor households⁸ are found to be vulnerable within the impacted areas. There are no female-headed household, disabled/elderly household heads, households considered as landless with no other means of support.
64. Whilst only 10 households are found poor, the socio-economic profile of Sa Pa shows very high poverty rate in most of the affected communes. Except Sa Pa town where a large number of Kinh people live and have the lowest poverty rate (4.16% in 2013), the 3 other rural communes (Su Pan, Hau Thao, and Lao Cai) have relatively high percentage of ethnic minority people. Unfortunately, the high percentages of ethnic minority peoples equates with high levels of poverty. The three communes are the poorest in the district with more than 50% poor people⁹.
65. Results of the socio-economic survey, presented in detail in the following section, also indicate relatively low level educational background and poorer living conditions among the affected households. .
66. During the site visit and public consultation, the consultant found that the three affected ethnic groups (Hmong, Giay, and Tay) generally consider themselves (self-identity) as

⁸ Households in rural area with average income from VND400,000/person/month or less (VND4,800,000/person/year) according to the Decision 09/2011/QĐ-TTg by the Prime Minister on issuance of applicable standards for poor and poor households for 2011-2015 periods.

⁹ Bureau of Labour, Invalid and Social Affairs, 2013.

members of a distinct indigenous cultural group and recognition of this identity by others. They have their own language and customary cultural practices.

67. All the 138 ethnic minority affected households therefore are considered as vulnerable. Additional support for these households therefore will be provided, as shown in the entitlement matrix.

F. Severely Affected Households

68. As mentioned above, 3 households who will lose more than 10% of their productive assets are considered severely affected households. Additionally, 3 households affected by entire loss of structures, and will be required to reorganize on the remaining homestead land, are also considered severely affected. Therefore, there are a total of 6 severely affected households in the project.

69. These households are entitled to different allowances (assistance for job, training, education; assistance for livelihood restoration; assistance for relocation; and timely handover bonus) as per local government regulations and provisions in the entitlement policy specified in the REMDP.

III. GENERAL SOCIO-ECONOMIC PROFILE

A. Socio-economic Profile: Province and District Levels

70. The population characteristics of Sa Pa are typified by a large percentage of ethnic minority peoples, particularly in the rural communes. Across Sa Pa District the largest groups are Hmong at nearly 52%, followed by Dao 23.04% and Kinh at 17.91%¹⁰. Unfortunately the high percentages of ethnic minority peoples equates with relatively high levels of poverty, particularly in the rural communes. This situation is not peculiar to only Sa Pa and is reflected across the whole of Lao Cai province, which is one of the poorest provinces in Viet Nam. Although the rate of poor and "near poor" households in Sa Pa District is decreasing, but at 2013 was still at 31.6% of the total population. Lao Cai commune had a 2013 poverty level of some 52%. This is in marked contrast with Sa Pa town where the poverty level was only 4.06% in 2013¹¹. Recorded unemployment in Sa Pa town is also low, some 1.8% in 2013¹².
71. GDP per capita in Sa Pa town was relatively high at about USD1,900 in 2013, matching well with the national average GDP per capita. This presumably reflects the prosperity of the tourism industry, which accounted for some 75% of the local economy. GDP per capita growth rates have also been high at 13.5% over a three year period¹³. The total number of tourists in Sa Pa, as well as the duration of stay has continually risen during the past few years. Tourism numbers in 2009 stood at 405,000 and of this only 31% are recorded as international tourists. Tourist numbers are forecast to be 901,144 in 2015 and 1,500,000 by 2020¹⁴.
72. In spite of the importance of the tourism sector to the local economy, the majority of the population was still engaged in agriculture. The 2013 statistics for the province show this to be at 62.2%, compared with some 30.2% in the trade and service sector, including tourism. Families primarily engaged in agriculture are often income earning through subsidiary rural based eco-tourism. The nature of agriculture is evolving and diversifying from staple crops to a range of cash crops, (primarily vegetable and fruits), together with flower and fish farms. A proposed government led project for a model high tech farm is systematic of this shift in agricultural economy.
73. The mountainous terrain of Sa Pa District seriously restricts development land availability such that flat easily developable land is in short supply. At the same time the availability of good quality urban services, including regional/strategic road connections and water supply has lagged behind demand in Sa Pa, thus restricting the nature and scale of investment in the urban sector, including tourism. The current strategic road links, particularly from Lao Cai to Sa Pa may be inadequate in the medium-long term to cater for the anticipated traffic loads. Currently Sa Pa Town faces severe environmental problems caused by inadequate water supply, solid waste management and an absence of wastewater treatment facilities.
74. According to the statistics provided by Bureau of Labour, Invalid and Social Affairs of Sa Pa district, by 2013, there are 11,068 households in Sa Pa district, of which 2,620 households, or 24%, are in Sa Pa town. The poverty rate of Sa Pa town is lowest in the whole district, at 4.16% in 2013, while the average district rate is 31.57%, measured by the national poverty rate. See Table III-1.

¹⁰ Vietnam Population Census 2009, GSO.

¹¹ Bureau of Labour, Invalid and Social Affairs, 2013

¹² Results of labour-employment, social safeguard activities of Lao Cai province, 2014

¹³ Sa Pa District Socio-Economic Development Plan by 2020

¹⁴ Tourism General Board (GoV)

Table III-1: Poverty Situation in Sa Pa District – 2013

No.	Commune/ ward/town	# HH	# Population	# Labor	Poor HH	
					N	%
1	Nậm Cang	267	1576	1002	18	6.74
2	Sa Pa Town	2620	7702	4273	109	4.16
3	Sa Pả	799	4642	2264	318	39.80
4	Thanh Phú	433	2224	1214	96	22.17
5	Suối Thầu	309	1915	1409	155	50.16
6	Tả Giàng Phình	624	3353	1634	290	46.47
7	Bản Khoang	454	2611	1378	178	39.21
8	Tả Van	709	3903	1698	251	35.40
9	Nậm Sài	368	1820	1070	170	46.20
10	Trung Chải	659	3707	1689	249	37.78
11	San Sả Hồ	649	4089	1746	327	50.39
12	Thanh Kim	290	1770	846	109	37.59
13	Bản Phùng	293	1966	901	134	45.73
14	Bản Hồ	503			176	34.99
15	Tả Phìn	566	2992	1490	112	19.79
16	Sử Pán	449	2373	1203	238	53.01
17	Lao Chải	609	3717	1837	319	52.38
18	Hầu Thào	467	2738	1336	245	52.46
	Total/Average %	11068			3494	33.72

Source: Bureau of Labour, Invalid and Social Affairs, 2013

75. During the subproject preparation a socioeconomic survey of affected households was carried out and the result of the social profile is shown below in Table III-2. The SES questionnaire is included as Annex 5 to this REMDP.

Table III-2: Sa Pa Social Profile

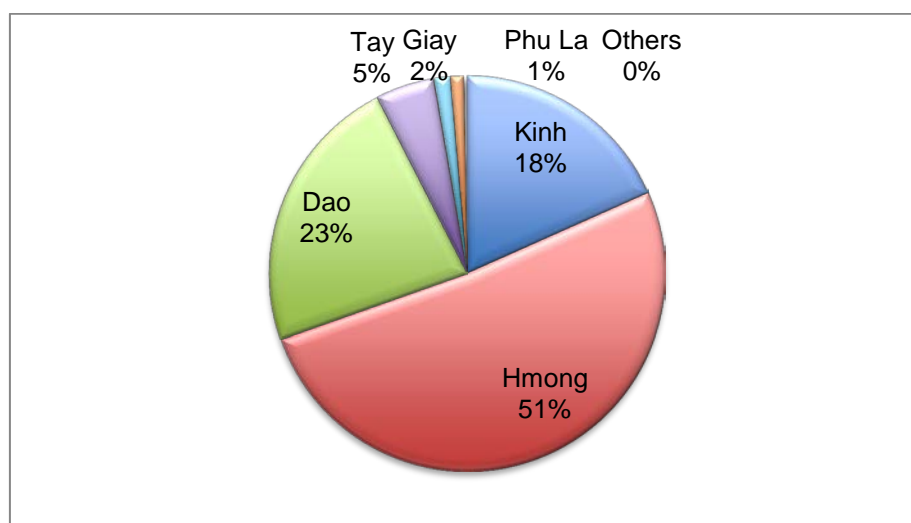
Characteristics	Female	Male	All
N – sample	36	124	160
% of Total	23%	78%	100%
Number of household member	3.8	4.3	4.1
Dependency ratio (mean)	0.44	0.54	0.52
Ethnicity (%)			
Kinh	78%	67%	69%
Tay	0%	2%	2%
Hmong	11%	31%	26%
Giay	8%	0%	2%
Muong	3%	0%	1%
Highest education (%)			
No formal education	3%	2%	3%
Primary	31%	30%	30%
Secondary	11%	16%	15%
High school	6%	6%	6%

Vocational	50%	46%	47%
Main occupation			
Self-employed in agriculture/farming	19%	39%	35%
Self-employed as labourer	3%	7%	6%
Self-employed as trader	14%	11%	11%
Self-employed as service provider/professional	0%	2%	2%
Employee of a private company	3%	3%	3%
Employee of government (public sector)	53%	33%	38%
Retired	6%	2%	3%
Other	3%	2%	3%
Social status of household			
Not poor	94%	96%	96%
Poor	3%	2%	3%
Near poor	3%	2%	2%
Own or rent house?			
Pay rent	74%	79%	78%
Own house with land title or land owners consent	26%	21%	22%

B. Ethnic Minority Peoples

76. 82% of Sa Pa district population is ethnic minority people. However up to 96% of them are living in the rural area. The following Figure 3 presents the distribution of Sa Pa population by ethnicity.
77. Hmong is the main ethnic group which will be affected due to the project. There are traditional gender roles in the Hmong society. A man's duty involves family responsibility and the provision for the physical and spiritual welfare of his family. Hmong men have a system for making decisions that involves clan leaders. Husbands may consult their wives if they wish before making major decisions regarding family affairs, but the husband is seen as the head of the house who announces the decision. Hmong women are responsible for nurturing the children, preparing meals, feeding animals, and sharing in agricultural labor. Traditionally, Hmong women eat meals only after the men have finished eating, especially if there are guests present in the house.
78. Background information of a number of main ethnic groups in Sa Pa is provided in detail in the Annex 3
79. There are a number of ongoing social assistance programs in Sa Pa, including the national programs such as: Program 135 (provide production support and infrastructure), program 102 (provide production support for the poor), etc.; and several provincial programs. Since 2009, the district has implemented relocation program for the ethnic minority people under the Decision 33/2007/QD-TTg. In 2013, 40 households were relocated in a centralized area and provided with basic social service facilities such as health station and school. Based on the information obtained in the meetings and discussions with APs during IOL discussion and public consultations; and discussions with the local authorities, none of the land parcels affected by the project are considered as traditionally/customarily owned, used or occupied by any ethnic groups (Hmong, Giay, Tay, and Muong). Also, none of the AHs has been covered by the above-mentioned relocation programs for ethnic minority people.
80. With all of the above mentioned demographic, social culture, and political characteristics, all affected ethnic households (138) are recommended to be considered as vulnerable.

Figure 5: Sa Pa District Ethnic Groups



Source: Vietnam Population Census 2009, GSO.

C. Gender and Development

81. By 2013, the male population of Sa Pa district was 28,398, accounting for 50.7%; and the female population was 27,589, accounting for 49.3%. Similar percentage of female and male is found in Sa Pa town, with 5,001 male (51.2%) and 4,776 female (48.8%) by the end of 2013¹⁵.
82. At this stage of the analysis the project's impacts on gender issues are assessed to be indirect and limited. The impact of road upgrading and urban infrastructure development sub-projects on gender issues are difficult to assess as could be several externalities created by the road.
83. During the FGD sessions with women the following issues were raised :
- Domestic violence (in both urban and rural areas) – Reason: the higher priority to male child and dominant role of men as compared to women.
 - Birth rate difference (in both urban and rural areas) – Reason: the dominant role of men over women and general belief that man is to carry family's name.
 - Poor sanitation condition (in rural areas) – Reason: very limited awareness of sanitation. Most of the ethnic minority (EM) people do not have toilet and no tap water.
 - Low awareness of hygiene (rural areas) – Reason: very limited awareness of personal hygiene. Women don't know how to take care of themselves.
 - Human trafficking (rural areas, especially in Sa Pả) – Reason: almost 1,000 cases of women disappearance since 2004. It is believed that they may have been trafficked to China. Some of the victims returned in the area and reported to have managed to sell other women to China.
 - Drug trafficking (rural areas, especially in Sa Pả) – Reason: people are poor and sell drugs to get high incomes.

¹⁵ Sa Pa poverty reduction project annual report, 2013

- Low self esteem (both rural and urban areas) – Reason: women do not have opportunities to socialize, and low educational level. Most of the women folks are illiterate.
- Early marriage (rural area only) – Reason: social practices among ethnic minority groups
- Lack of job for women (rural area especially) – Reason: a part from cultivation for self-consumption, EM people hardly find second job to generate income. They cannot compete with Kinh people (Vietnamese) in the town's market to sell agricultural products. Brocade products are more and more difficult to sell because of limited demand.

Social Impact Assessment

84. Expected positive impacts on women: The project implementation will have a positive impact on the people in the project area in general and on women in particular. These effects are:
- (i) Improving traffic conditions in the region;
 - (ii) Creating new opportunities for economics, trade and services;
 - (iii) Savings travel time will create conditions for women and children easier access to education and health services;
 - (iv) Creation of jobs to increase income for women, especially poor women and ethnic minority groups during project construction time;
 - (v) Providing opportunities to improve the status of women and enhance their participation in community activities through gender action plan;
 - (vi) Indirectly contribution to poverty alleviation in the project commune.
85. Notwithstanding potential positive impacts, there are likely to be some potential negative project impacts on local Ems, albeit limited. These may be attributed mainly to the limited education level. Most ethnic minority people in the project commune lack preparedness for taking up any new opportunities brought about by the upgraded road. Preparedness to take new opportunities is found only among some people having assets and above average incomes. There is a significant risk that, unless the road will create various opportunities for income generation, cultural exchanging, etc., only the most “well-off” and informed road-side households will benefit from the new opportunities created by road rehabilitation. The current educational level and vocational skills of ethnic people are limited. It is therefore probable that any of the new employment opportunities that potentially will appear in the future may be taken by people coming from the outside and not by the local ethnic minority people.
86. In very poor ethnic minority villages, there could be negative social effects from road rehabilitation, like opening of karaoke bars and guest houses in the town as the road will provide easy access, which might potentially increase vulnerability of women and cause emergence of social evils such as drug use, women/children trafficking or prostitution.
87. The negative effects may also be caused due to the land acquisition severely affecting livelihood of the affected households. In addition, during construction, environmental pollution caused by dust, construction waste, noise may affect ethnic minority communities. .

Measures to minimize negative impacts

88. Some measures are proposed to prevent and reduce the negative impacts especially safety measures during the construction.
89. To mitigate the negative impacts on EMs, before and during the design process, include compensation for their loss of assets; resettlement assistance, as necessary; efficient and proper supervision of construction activities; decision on compensation and other assistance in consultation with the affected communities and village leaders. Additionally, extensive consultation with the EM communities and regular dissemination of project information to EMs will ensure that EMs get maximum benefit from the subproject.
90. A Gender Action Plan (GAP) has been prepared to ensure that gender issues and women's equity, and citizens' participation in Sa Pa are mainstreamed and implemented throughout the project.
91. The following approaches will be adopted to facilitate maximum participation of women in the construction phase of the project, providing new opportunities for women to increase income and their role in the communities, including improved social status in the project area.
- (i) The local contractor will provide local men and women with opportunities in construction, maintenance and repair;
 - (ii) Equal pay for similar type of work for men and women ;
 - (iii) The safety conditions must be the same for both men and women;
 - (iv) The local contractor will not use child labour;
 - (v) Woman's Union will be consulted in the design of the Subproject;
 - (vi) At least one woman will be representative of the commune women in the commune supervisory boards (accounting for about 1/3 of its members).
 - (vii) To minimise the potential social problems among vulnerable people, especially women and ethnic minorities, Community-Based Risk Mitigation Campaign about HIV/AIDS and Human Trafficking will be implemented by the PPC through Women Union.

D. Socio Economic Survey results

92. The results of the socioeconomic survey covering 29 households affected by the Road 152 and the northeast WWTP components are presented in the following sections.

1. Summary of SES of the Road 152 component

93. A randomly selected sample size of 20% of affected households covering 29 household was used for the SES. Salient findings of the SES survey are summarized in the following sections.

Education level for adult people only:

	Illiterate	Primary	Lower Secondary	Upper secondary	College/university
Household heads	7	8	8	6	0
Other members	12	33	29	20	0

94. In general, the level of literacy in the subproject is quite high. Among 123 people (above school age), only 19 people (15.4%) may be considered illiterate. The ratio of people

having primary, secondary, and upper secondary education level are similar, ranging from 21.1%-33.3%. However, none of the household member possesses college or university degree.

Ethnic minority

95. All of the 29 surveyed households are Hmong people.

Religion:

96. All AHs responded during the socio-economic survey that they do not follow any specific mainstream religious practices. However, each ethnic group has its own religious and cultural beliefs and customs.

Income

97. Poor¹⁶ and vulnerable households: using the official poverty line of VND 400,000/person/month as the threshold, 10 households out of 147 AH were identified as falling below the poverty line.

98. Out of the 29 HHs selected randomly, none are vulnerable and the distribution of income stands as follows:

Income/month	500,000 – 1,000,000 VND	>1,000,000 – 1,500,000 VND	>1,500,000 VND
Households	18	6	5

- Main Income sources

Main income source	Agriculture	Trade/services
People main earning member	23	6

- Utilities and assets

Type of assets	%	Type of assets	%
Bike	0	Landline telephone	0
Motorbike	93.1	Mobile telephone	93.1
TV	38	CD player	0
Washing machine	3.4	Computer	10.3
Cooker	31	Car /motorized vehicle	0

- House making materials:

- House grade 4¹⁷: 5 households accounting for 17.2%.
- House on Stilts: 24 households accounting for 82.8%.

- Utilities

- Electricity: 100% households accessing national power grid.

¹⁶ Households in rural area with average income from VND400,000/person/month or less (VND4,800,000/person/year) according to the Decision 09/2011/QĐ-TTg by the Prime Minister on issuance of applicable standards for poor and poor households for 2011-2015 periods

¹⁷ Structure bearing pressure is combination of brick and wood. Using time lasts 30 year at maximum; or Wall made of brick (22 or 11 cm thick); or Roof made of tile or fibrocement; or Materials for completion are low quality materials; or Poor utilities according to the Government regulation.

- Energy source for cooking: wood: 26 households ~89.6%; electricity: 15 households ~ 51.7% and gas: 8 households ~ 27.6 %.
- Water source:
 - + clean drinking water: 6 households/29 households (20.7%)
 - + rain water: 11 households/29 households (37.9%)
 - + water from creek: 22 households/29 households (75.9%)
- Sanitation
 - + Bathroom + bathrooms with shelter: 21 households, 72.4% and the rest no definite place
 - + WC: 22 households, 75.9% have fixed area with shelter and the rest no definite area for toilet

2. Wastewater treatment plant in the northeast of Sa Pa town

99. Socio-economic characteristics of affected household::

- 5 people in the HH (3 adults and 2 children)
- Out of the 3 adults, one is illiterate and the other two have lower secondary school level education.
- Monthly income is around 300,000 VND/ person/month. The household is considered poor, falling below poverty line.
- Main income is from agricultural production.
- Utilities/assets - only 1 motorbike and 1 TV.
- House is wooden and is over 45 m²
- The household has access to national power grid.
- Access to water from creek.
- The household does not have proper bathroom and toilet facilities.
- Wood is used as energy for cooking.

IV. DISCLOSURE, PUBLIC CONSULTATION AND PARTICIPATION

A. Public Consultation and Participation

100. Public consultations and community participation is encouraged throughout the project cycle, including planning, designing, implementing, and monitoring. The objective of the Public Consultation and Participation is to develop and maintain avenues of communication between the Project, stakeholders and APs in order to ensure that their views and concerns are incorporated into project preparation and implementation with the objectives of reducing or offsetting negative impacts and enhancing benefits from the Project. The feedback from consultations is an important component of, and crucial methodology of the planning process, leading to the formulation of mitigation measures and compensation plans for project affected communities, and for environmental mitigation measures.

101. The aims of Public Consultation and Participation are to:

- (i) Provide full and impartial information to affected people about the subproject, its activities, and potential impacts that affect them, and to provide an opportunity for their feedback on the subproject;
- (ii) Explore a range of options for minimizing subproject negative impacts, and for those impacts that cannot be avoided, explore the range of design options for minimizing, and ensure that APs participate in the design of mitigation measures;
- (iii) Gather information about the needs and priorities of affected people as well as their feedback on proposed resettlement and compensation policies, options and activities;
- (iv) Obtain the co-operation and feedback of affected people on activities to be undertaken in resettlement planning and implementation, in particular on the location for resettlement, planning and design of housing (if necessary), land and community facilities, and the development and implementation of the livelihood program;
- (v) Provide a mechanism for continued dialogue, raising of concerns and monitoring of implementation;
- (vi) Exploring options for co-management of natural resources through participatory approaches aimed at sustainable use and conservation;
- (vii) Method of consultation and participation has to ensure two-way exchange of information between the community, people and affected groups by a consultation method in accordance with the traditional cultural of the locality, taking into account gender issues, social justice and the principle of equality.

B. Consultation and Participation during the REMDP Preparation

102. The PPTA consultants ensured that all affected households, including ethnic minority communities are meaningfully consulted¹⁸ during the REMDP preparation stage. The objective of the consultation meeting with the affected commune, held on 05 January

¹⁸ A process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

2015, was to provide information, as much as possible, about the subproject to the affected people, discuss and gather their comments on project issues, specifically:

- Project description: location, size and scope of impacts;
- Presentation and discussion with affected households on the project's policies, those eligible for compensation and resettlement assistance;
- Presentation and discussion with affected households on the project implementation plan;
- Presentation on and discussion with affected people on the grievance redress mechanism;
- Presentation on and discussion with the affected people on issues related to ethnic minorities, gender, restoration of income & livelihood, and other support policies.

103. The village leader provided support to the PPTA team in translation during the discussion with the Hmong community. The consultant raised specific questions to the women during the meeting and carefully listened to them and obtained feedback thereby encouraging their participation in the meeting.

104. The participatory methods used in the consultation process with affected people helped in opening opportunities for discussion and exchange of information about the proposed project and active interaction to get feedback from the AHs and the other stakeholders. It will promote the neutrality to ensure and encourage participation of the affected people.

105. The consultation meetings were organized during project preparation stage in the component area with participants that included the affected households, representatives of beneficiaries, DPC, resettlement specialists, gender specialists, and national experts on ethnic minorities, environmental specialist, village leaders, and representatives of farmer associations, women union, Fatherland Front association and youth union.

106. Meetings were organized with the affected people, both men and women, to disseminate general information and discuss potential resettlement and environmental impacts as well as proposed mitigation measures in case of losses due to project.

107. Discussion and exchange of information took place about the unit prices for the loss of fixed assets that will be subject to compensation.

108. Consultants held a consultation meeting with APs in affected communes along the road 152 in Pho Village Community House – Hau Thao Commune – Sa Pa district on 24 January 2015 with 15 participants¹⁹ and in 25 January 2015 with 1 household in the northeast wastewater and drainage subproject. All participants in the public consultation were Hmong people. The main issues raised were:

Issues raised by the participants:

- Mr Giang A Vang: most of us here have no certificate of land use right. Will it affect entitlement for the compensation? We expect a reasonable compensating mechanism and to be paid on the basis of the updated unit rate established by the province.
- Mr Vang A Doa: we support the project but we still have our rice fields along the road which would be affected due to the inundation and erosion over time. We would like to request the construction of a drainage channel at places where there are rice fields.

¹⁹ Another public consultation was conducted at Suoi Ho commune to the northern by-pass component, which was dropped already.

- Mr Giang A Cau: we have no objection to the project. We hope that the project would be implemented soon.
- Ms Tran Thi Gia: we expect a reasonable compensation mechanism and assistance to help us settle our lives.
- Mr Giang A Sinh: the local people expressed their interest in the job opportunity from the construction of the road to increase their income.

Response from the consultant:

- The consultant has received all the constructive comments of AHs and will report to the PPTA authorities.
- Although the households have no certificate of land use right, they will still be entitled to compensation provided they have using the land for long periods, their use of land is recognized by the commune authorities and the land is under no dispute.
- All specific information on price unit of compensation will be updated. According to the new law promulgated in 2013, there will be a replacement cost survey and compensation option for each component.
- The consultant will take notice and recommend the PMU to employ local labour force for the road construction.

109. Details of the participant participating in consultation meetings and results are presented in Annex 1.

C. Public Consultation and Participation Mechanisms During Implementation of REMDP

110. Public consultation and participation of community is encouraged throughout the project cycle.

111. During implementation phase, PMU in coordination with district resettlement committee and CPCs is responsible for dissemination of project information translated into local languages (if necessary) using various media such as organizing seminars, presentations, and public meetings where subproject affected people and beneficiaries will be invited. PMU will distribute the PIB and other documents of the subproject to affected people. Participants are freely to give feedbacks on any aspect of the project including technical parameters, project impacts, different alternatives, and about resettlement and compensation measures proposed in the subproject.

112. Local people, especially affected people will be given priority in employment opportunities generated by the project during the construction phase. The PMU through CPC will monitor the implementation to ensure that the interested APs are engaged during the construction. All the communities will be encouraged to monitor project construction activities as well as the implementation of the REMDP as described in the Monitoring and Evaluation section of this report. Interested APs can also join the Community Monitoring Board of the commune to monitor the implementation process. Communities can approach PMU and provincial/commune authorities in case they find any irregularities in the construction or any adverse impacts in accordance with the grievance redress mechanism outlined in this REMDP.

Disclosure

113. Updating and dissemination of the resettlement plan is integral to the project's Stakeholder Communication Strategy designed to support review, updating and dissemination of the RP through (i) establishment, and regular consultation with, local focal points in all subproject areas; (ii) community meetings in parallel with detailed infrastructure design; (iii) individual consultations with potential/affected persons; and (iv)

joint meetings between officials, potential/affected persons, project staff, and civil society/mass organizations on matters of resettlement planning, implementation, and monitoring.

114. During the PPTA stage, APs were notified in advance about resettlement activities, including: (i) community meetings about the scope of the subproject, work alignment plan, site clearance plan and construction plan, (ii) detailed measurement and survey results, (iii) lists of eligible APs and their entitlements, (iv) compensation rates and amounts, (v) payment of compensation and other assistances and (vi) other contents such as the complaint mechanism. Notices were posted in the commune PC offices and other easily accessible locations. Letters, notices or small brochures were delivered individually to APs, and radio announcements made.
115. In compliance with the ADB requirements, the PMU will assist the CARB to publicly disseminate the updated REMDP as approved by the PPC and ADB. This Draft REMDP will be translated and distributed to the provincial and district authorities for dissemination of information to and discussion with the affected households. It then will be posted on ADB's website prior to project appraisal. With support from the PMU, the DRC will be responsible for the disclosure of the REMDP to affected persons and post the REMDP at the project office.
116. The updated REMDP will be uploaded in ADB websites in both English and Vietnamese and disclosed to the ethnic minority people through commune and village meetings. The compensation board (with representatives of the EM affected households) will be responsible to translate into ethnic minority language and disseminate the information to the ethnic minority through loud speakers and other oral communication mean in market days as well as in public meetings.
117. After the detailed design and prior to the DMS, the Public Information Booklet (PIB) will be updated, translated in Vietnamese and other ethnic minority languages, and disclosed to the affected people. Monitoring reports will also regularly disclosed to the key stakeholders and uploaded on the ADB website,

V. LEGAL AND POLICY FRAME WORK

118. The legal and policy framework for addressing the resettlement impacts of the subproject in Sa Pa town is provided by relevant policies and laws of Viet Nam and the ADB's Safeguard Policy Statement (SPS 2009) on Involuntary Resettlement. The following section outlines the relevant policies and laws, and highlights where differences exist, and the policies and principles that will be applied in this Project.

A. ADB Policies

119. **Involuntary Resettlement.** The main objectives of ADB's Policy on Involuntary Resettlement is to avoid or minimize the impacts on people, households, businesses and others affected by the acquisition of land and other assets, including livelihood and income, in the implementation of development project, such as the Upgrading the rural road 152 in the Sa Pa District of Lao Cai Province. Where resettlement is not avoidable, the involuntary resettlement must be minimized by exploring project and design alternatives, and enhance or at-least restore the living standards of the affected people to at least their pre-Project levels. The SPS 2009 also stresses on a new objective of improving the standards of living of the displaced poor and other vulnerable groups. The policy applies to full or partial, permanent or temporary physical and economic displacement resulting from (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. Resettlement is considered involuntary when displaced individuals or communities do not have the right to refuse land acquisition that results in displacement.

120. **Indigenous Peoples (IP)/ Ethnic Minorities (EM).** The main objectives of ADB's IP safeguards policy under the SPS 2009²⁰ are to: (i) avoid adverse impacts of projects on the environment and affected people, where possible; (ii) minimize, mitigate, and/or compensate for adverse project impacts on the environment and affected people when avoidance is not possible; and (iii) assist in strengthening country safeguard systems and develop the capacity to manage environmental and social risks. The policy is triggered if a subproject directly or indirectly affects the dignity, human rights, livelihood systems, or culture of EMs or affects the territories or natural or cultural resources that EMs own, use, occupy, or claim as their ancestral domain. Should ADB projects affect EMs, a set of general policy requirements are observed to maintain, sustain, and preserve their cultural identities, practices, and habitats (SR-3 of SPS 2009). A set of special requirements are in place should projects be (i) within ancestral domains and lands and related natural resources, (ii) commercial development of cultural resources and knowledge of EMs; (iii) physical displacement from traditional or customary lands; and (iv) commercial development of natural resources within customary lands under use that would impact on livelihoods or cultural, ceremonial, or spiritual uses that define the identity and community of EMs.

121. **Gender.** The ADB Policy on Gender and Development (1998) and the Gender Mainstreaming Criteria Guidelines (2010) adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring participation of women and that their needs are explicitly addressed in the decision-making process for development activities. For projects that have the potential to have substantial gender impacts, a gender plan is prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation and monitoring of the project. The findings of a culturally gender sensitive analysis is to be included in the REMDP, and at all stages ensuring that gender concerns are incorporated, including gender-specific consultation and information disclosure.

²⁰ Safeguard Policy Statement, 2009.

B. Laws regarding Land Acquisition and Resettlement in Vietnam

122. The Constitution of the Socialist Republic of Vietnam (1992) confirms the right of citizens to own and protect the ownership of a house. In addition, the government has enacted a number of laws, decrees and regulations that constitute the legal framework for land acquisition, compensation, assistance and resettlement.
123. The principal document includes the Land Law (2013) No. 45/2013/QH13 approved by the National Assembly dated November 29 2013. The 2013 Land Law supersedes earlier versions.
124. For reference, the Laws, Decrees and Decisions on Land Acquisition and Resettlement in Viet Nam are set below:

1. Law

- Land Law (2013) No. 45/2013/QH13 approved by the National Assembly dated November 29 2013.

2. Government's decrees

- Decree No. 43/2014/ND-CP dated May 15 2014 guiding the implementation of Land Law 2013.
- Decree No. 44/2014/ND-CP dated May 15 2014 by the Government on the land prices.
- Decree No. 45/2014/ND-CP dated May 15, 2014 by the Government providing on the collection of land use levies;
- Decree No. 46/2014/ND-CP dated May 15, 2014 by the Government providing on the collection levies of land lease, water surface lease.
- Decree No. 47/2014/ND-CP dated May 15 2014 by the Government on compensation, assistance, and resettlement in the event of land recovery by the State.
- Decree No. 38/2013/ND-CP dated April 23 2013 on the management and use of Official Development Assistance (ODA) and concessional loans of donors.
- Decree No. 14/2014/ND-CP dated February 26 2014 by the government detailing the implementation of the Electricity Law regarding electricity safety.
- Circular No. 23/2014/TT-BTNMT dated May 19 2014 by MONRE regulating Land Use Right Certificate (LURC), right to ownership of housing and other assets attached to land.
- Circular No. 24/2014/BTNMT dated May 19 2014 by MONRE regulating cadastral dossiers.
- Circular No. 25/2014/BTNMT dated May 19 2014 by MONRE, regulating cadastral maps.
- Circular No. 28/2014/BTNMT dated June 02 2014 by MONRE regulating land statistic and inventory and development of current land use map.
- Circular No. 29/2014/BTNMT dated June 02 2014 by MONRE regulating details of making and amending land use planning.

- Circular No. 30/2014/BTNMT dated June 02 2014 by MONRE regulating dossiers of handing over land, leasing land, converting land use purpose, and land acquisition.
- Circular No. 36/2014/TT-BTNMT dated June 30 2014 on land pricing method; compilation of and adjustment to land prices; determination of specific land prices and consultancy on land pricing.
- Circular No. 37/2014/TT-BTNMT dated June 30 2014 on compensation, assistance and resettlement in the event of land recovery by the State.
- Decision No. 1956/2009/QD-TTg dated November 17 2009 by the Prime Minister approving the Master Plan on vocational training for rural workers to 2020.
- Decision No. 52/2012/QD-TTg dated November 16 2012 on employment and vocational training support policies for labourers subject to agricultural land recovery.

125. At the local level, provinces issue Provincial Decisions, and other legal documents relevant to planning and implementation of resettlement at the provincial level. The Provincial Decisions stipulate that compensation for land shall be at the market rate following the provincially regulated price-frame that is issued each January, and provides for assistance/allowances for relocation, livelihood and production stabilization, as well as occupational training and other assistance. The relevant decisions for Lao Cai province include:

- Decision 26/2013/QD-UBND dated 25/07/2013 of Lao Cai PPC on introducing the regulations on compensation, assistance and resettlement when the State acquires land for the purposes of national defence, national interests, interest security, public interest, and economic development in Lao Cai province.
- Decision No.91/2014/QD-UBND dated 27-12-2014 of People's Committee of Lao Cai province on issuance the 5-year (2015-2019) price list for land types in Lao Cai province
- Decision 55/2008/QD-UBND dated 29/10/2008 on minimum area of a plot of residential land in Lao Cai province.

126. These decisions will be the legal basis to determine level of compensation for lost assets and support to affected households in Sa Pa.

3. Ethnic Minorities

127. The definition of ethnic minority status in Vietnam is based on the following criteria:

- (i) A language different from the national language;
- (ii) Long traditional residence on, or relationship with land, and long traditional social institutional system;
- (iii) A self-provided production system; and
- (iv) A distinct cultural identity and self-identification as a distinct cultural group that is accepted by other ethnic groups.

128. Article 5 of the Constitution of Viet Nam (1992) acknowledges equality and equal rights among ethnic groups, upon which also the Government policy and programs on ethnic minority development are based upon. Articles 36 and 39 of the Constitution appoint citizens living in the mountainous regions as national minorities and instruct that they are given priority in education and health care services. A number of ethnic minority groups with especially small populations and lagging behind in development are defined as extremely difficult ethnic minorities.

129. The main vehicle for implementing government policies concerning ethnic minorities in the central level is through the Committee for Ethnic Minorities (CEM), which is a cabinet-level committee established in 1993 (with the name Committee for Ethnic Minorities and Mountainous Areas, CEMMA). The task of CEM is to identify, coordinate, implement, and monitor projects targeted to ethnic minority development and has its own budget to be spent on the main programs and projects. At provincial level the Department of Ethnic Minorities is the implementing agency for developing policies concerning ethnic minorities, at district level this office has been integrated into the office of Agriculture and Rural Development.
130. The state-owned Social Policy Bank (SPB) is providing micro loans targeted for poverty and ethnic minority households and households in communities that are classified by the GOV as extremely difficult areas. To be qualified for a loan from SPB, the borrower has to be a member of one village-level micro credit group. Mass organizations (Women's Union, Farmers, Association, Fatherland Front, Youth Union) support these groups and further cooperate with SPB in disseminating information on loan availability, procedures and management. Mass organizations also give recommendations for priority listing of households for loan attainment. Added to facilitating the SPB loan procedures, provincial Women's Union also has a credit fund with funds from the national WU (i.e. governmental funding) to provide loans to poor WU members for income generation improvement.
131. **Gender.** The Constitution of the Socialist Republic of Vietnam recognizes the equal rights of men and women. The Vietnam Women's Union was established in 1930. This is a political-society organization in the political system, which represents the legitimate rights and interests of the elite women of Vietnam, strives for the empowerment of women and gender equality. To date, members of this Women Association were present in almost all sectors and levels.
132. Gender equality was officially legalized by the Gender Equality Law by the National Assembly of Socialist Republic of Vietnam through November 29, 2006. This is an important legal for the formulation of policies and practical actions on gender equality in Vietnam. Specifically, 5 years after the Law on Gender Equality born, National Programme on Gender Equality period 2011-2015 has been approved by the Prime Minister's Decision No.1241/QD-TTgon 22nd July 2011 with implementation fund of VND 955 billion.
133. Vietnam's laws and ADB's Resettlement Policy are congruent concerning the entitlement of persons with legal rights/titles. Existing legislation provides guidance in (i) determining market/replacement rates and payment of compensation and assistances for various types of affected assets; (ii) options for land-for-land and cash compensation assistance; (iii) provision of relocation assistance and support to displaced households during the transition; (iv) provision of resettlement land and housing with secure tenure; (v) additional assistance for severely affected and vulnerable households; (vi) assistance for livelihood restoration and training; and (vii) notification/disclosure, consultation, and grievance mechanisms.
134. Vietnam's policies do not apply to those without legal title or to non-registered businesses, while ADB's policy requires compensation for assets and for rehabilitation assistance for those without legal title. Non-registration of an AP's business also does not bar them from being assisted in restoring their business and income under ADB's guidelines. Provisions and principles adopted in this RP will supersede the provisions of the relevant decrees currently in force in Viet Nam wherever a gap exists, as provided for under Decree 38/2013 ND-CP (April 2013), which regulates the management and use of official development assistance. The policy that will apply for the project according to ADB SPS and Vietnam law/decrees and regulations addressed in Table 5.

Table V-1: Comparison between the Relevant Provisions of 2013 Land Law and Decree No. 47/2014/ND-CP and the 2009 ADB SPS

ADB SPS 2009	Land Law 2013; guidance decrees	Policy for the project
Objective: To avoid involuntary resettlement whenever possible; to minimize involuntary resettlement by exploring project and design alternatives	Land Law requires the project owner to arrange the project reasonably to save the land and the Government issued Decree 42/2012/ND-CP on the protection of paddy land;	Since the Project shall be financed by ADB loan, it will adopt the objectives of the Bank's 2009 SPS
To enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups	<p>Compensates land users that fulfil the conditions for compensation as prescribed by Article 75, legitimate owners of land- attached assets (Article 88.1), persons/entities that plant/grow forests funded by state budget (Article 90.1.d). All land users (defined in Article 5) whose land is recovered (including affected workers) are considered for receiving State support (Article 83.1 Land Law 2013 and Article 19 Decree 47/2014/ND- CP). State support is defined as assistance to those whose land is recovered in order to stabilize their livelihoods, production and development (For displaced poor and other vulnerable groups)</p> <p>-In case the amount of compensation/support is not enough for resettled people to buy the minimum resettlement plot, requires the State to support the balance (Article 86.4 Land Law 2013 and Article 27 Decree 47)</p> <p>-Requires to compensate, support, and resettle to stabilize livelihoods of people whose recovered land is located in areas that pose risk to human life (Article 87.3 of Land Law 2013 and Articles 19, 20, and 21 Decree 47).</p>	Applying the objectives of the 2009 ADB SPS.
Physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers	<p>The policy principles are not limited to the DPs but:</p> <ul style="list-style-type: none"> - Have policies to create favourable conditions for people who are directly engaged in agricultural production, forestry, aquaculture, and salt- making and do not have productive land due to the restructuring of land use and economic restructuring (Article 26.4). These households/ individuals will be granted with LURCs, ownership of housing and other assets attached to land and do not have to pay land use fee (Article 101.1). - Covers both physical and economic displacement due to land recovery 	Applying the objectives of the 2009 ADB SPS.

<p>them whether such losses and involuntary restrictions are full or partial, permanent or temporary.</p>	<p>(involuntary acquisition of land) -Considers impacts from change of land use structure and economic structures (Article 26.4) -Covers both temporary and permanent land recovery -Covers remaining investment costs on land (Article 76). -Covers compensation for the damage caused by limited land use (Articles 94 and 157).</p>	
<p>Project Policies</p>		
<p>1. Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. The involuntary resettlement impacts of a subproject funded by ADB is considered as significant if 200 people or more are greatly affected, defined as (i) relocating houses or (ii) losing 10% or more of their productive assets (income-generating).</p>	<p>-Requires that in the preparation of the district annual land use plan, the area and location of the land to be recovered to implement socioeconomic development projects should be assessed (Article 40.4.c). As for severely affected households when the DPs lose at least 30% of their agricultural landholdings.</p>	<p>All subprojects shall be screened and categorized according to the degree of their involuntary resettlement impacts, physical and social</p>
<p>2. Carry out meaningful consultations with affected persons, communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Establish a grievance redress mechanism to receive and facilitate resolution of the host affected persons' concerns.</p>	<p>- Starts the conduct of public consultation (including affected land users) with the preparation of the district-level land use plan (Article 43). -Between 90-180 days before issuing decision on land recovery, State agencies are required to notify the affected land users about the land recovery (including recovery plan. investigation, measurement inventory)(Article 67). -Requires that once the plan for compensation has been approved, each person whose land is recovered (and meets the conditions for compensation) should be notified of the decision on compensation. Requires the decision to clearly (including plan, survey, and</p>	<p>Participatory consultations will include non-government organizations, host communities and civic organizations will be provided with project information booklets or brochures written in language largely understand by affected persons.</p>
<p>Support the social and cultural institutions of</p>	<p>show the level of compensation and support, arrangement of the resettlement land or</p>	

<p>displaced persons and their host population.</p>	<p>house (if any), time and place of payment for compensation or support, time to arrange resettlement land or house and time of hand over, and site clearance. The organization in charge of compensation/resettlement conducts consultations with affected land users and record opinions/ comments raised during the consultations. In case of disagreement, the Fatherland Association will attempt to persuade those who disagree (Article 69).</p>	
<p>3. Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land where or compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.</p>	<p>-Requires that compensation be made by allocating new land with the same land use purpose with the recovered land. If there is no land available for compensation, the land users will receive cash compensation calculated on the specific land price. Requires that compensation must be democratic, objective, equal, public, timely and legally compliant. (Article 74.2) -Requires that specific price of the affected plot should be determined and independent/licensed valuers should be engaged in establishing cash compensation rates (Articles 114.4, 115, and 116 of Land Law 2013 and Decree 44/2014/ND-CP). However, the requirement of engaging independent/licensed valuers is still vague: article 114, provision 3 says that the province- level land administration agency is entitled to (instead of “must”) hire organizations having consultancy functions for advising on the determination of specific land prices). -Includes the cost for moving due recovery compensation (Article 91). -Requires the payment of additional compensation in case of late payment (after 30 days from decision on the land recovery) (Article 93).</p>	<p>Livelihoods and socio cultural systems of all displaced persons shall be restored, improved and culturally appropriate from pre-Project level. Affected livelihoods based on land shall be restored through: (i) land-based resettlement strategies, or cash compensation at replacement value for land when the loss of land does not undermine their livelihoods; (ii) prompt replacement of assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, (iv) employment in construction works; and (v) restoration of social networks of displaced persons.</p>
<p>4. Provide physically economically displaced persons with needed assistance, including the following: (i) secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities;</p>	<p>-Entitles affected land users to also receive State support, including support for stabilizing livelihoods and production, support for training and career change and facilitating search for jobs, support for resettlement and other support (Article 83). -Requires resettlement sites to have uniformly developed infrastructure, ensuring standards, accordance conditions, practices of the specific regions, areas</p>	<p>Physically and/or economically displaced persons shall be provided with: (i) land use right certificates in relocation land, better housing at resettlement sites with comparable access to employment, forest</p>

<p>(ii) transitional support and development assistance, such as land development, credit facilities, training, employment opportunities; and (iii) civic infrastructure and community services, as required.</p>	<p>(Article construction codes in with the customs 85.2),</p>	<p>resources, and/or production opportunities; (ii) transportation for transfer to resettlement sites and food subsidies to APs during transition and development assistance, such as land development, training, or employment opportunities; and (iii) access to social infrastructure and community services, as required</p>
<p>5. Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and in urban areas provide them appropriate income sources and legal and affordable access to adequate housing.</p>	<p>-In case the amount of compensation/support is not enough to buy the minimum resettlement plot (as normally the case for poor households), requires the State to support the balance (Article 86.4) -Entitles people whose recovered land is located in areas that pose risk to human life (defined in Article 65.1) to receive compensation, support, resettlement to stabilize livelihoods (Article 87.3) -State guarantees to develop policies to facilitate those who are directly involved in agricultural, aquaculture, salt production and who are lacking the land for production due to change of land use structure and economic structure (Article 26.4). Such households/ individuals shall be granted certificate of land use right, houses and other land- attached assets without having to pay land use fee (Article 101.1).</p>	<p>Ward PC/ CPC shall issue certificates confirming their poor social status. Other vulnerable groups as defined by ADB will be provided with assistance according to the regulations of the project</p>
<p>6. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.</p>	<p>-Article 73 of the Land Law covers negotiated settlement for land transfer for projects, facilities for project and business purposes – not in the event of land recovery by the state.</p>	<p>As per 2009 SPS, the borrower/client will ensure that any negotiations with displaced persons openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions. The borrower/client will agree with ADB on consultation</p>

		processes, policies, and laws applicable to such transactions; third-party validation; mechanisms for calculating the replacement costs of land and other assets affected; and record-keeping requirements
7. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for full resettlement assistance and compensation for loss of non-land assets at 100% (as long as they settled in the project area before the cut-off date)	-For relocating households who are not eligible for compensation with residential land, but have no other place to live, the State sells, leases, provides rent-to-own houses or allocates land with land use fee (Article 79.2). -Not compensating for the assets which are (i) illegally created; (ii) created after the notice of land recovery; and (iii) social infrastructure and other construction facilities which are no longer in use (Article 92) of the Land Law.	The absence of legal rights of affected persons on the acquired land is not a hindrance to receiving compensation for other assets and for rehabilitation assistance
8. Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule. Incorporating into the plan all of the resettlement costs when presenting the cost and benefits of the project.	The land law requires for a compensation plan that shows the level of compensation and support, arrangement of the resettlement land or house (if any), time and place of payment for compensation or support, time to arrange resettlement land or house (if any) and time to hand over the recovered land to the organization in charge of compensation. As for the projects that have significant impacts on involuntary resettlement, it is necessary to consider the implementation of the involuntary resettlement component of the project as a stand-alone project; Resettlement cost is included in the total investment.	Resettlement plan shall be prepared in case of land acquisition, complete with necessary information
9. Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner before appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its	-Requires that the compensation plan is disclosed to the affected land user and the community where land recovery will be made.	Disclose a draft RP including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final RP and its updates to affected persons, and

updates to affected persons other stakeholders		other stakeholders.
10. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation	<ul style="list-style-type: none"> -Requires that land recovery be conducted only after the construction of houses or infrastructure in the resettlement area is completed (Article 85). -Requires affected land users to handover the land within 30 days after agreeing to the compensation/allowances offered. Agencies making the compensation are required to pay compensation within 30 days. In case of delay, additional compensation for delayed payment should be made. 	<p>RP shall be prepared as part of the Project or it may be a stand-alone document for implementation, showing the full cost of execution if the impacts shall displace persons.</p> <p>Compensation/allowances shall be received by the APs, before the handing over of their land or removal of their affected assets.</p>
11. Grievance redress mechanism	<ul style="list-style-type: none"> - Citizens have the right to supervise management land compensation, assistance and resettlement. The competent state agencies upon receiving opinions from citizens have to examine, settle and respond to the opinions of the reporting organizations or individuals (Article 199). - Allowing the DPs whose land is acquired to send petition according to the mechanism and procedures of the Law on Complaints and land including recovery, Denunciations. For violations committed by civil servants or public employees working at a land administration agency (including land acquisition), the petition shall be sent to the competent agencies depending on the nature of the petition and concerned civil servants or public employees (Article 209). 	<p>A four-step grievance redress mechanism in compliant with the Complaint Law will be established and disseminated to the stakeholders.</p> <p>Complaint fees are the responsibilities of the project owner.</p>
12. Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved. Monitoring indicators are defined for internal monitoring and external monitoring; Disclosing monitoring reports.	<ul style="list-style-type: none"> -Empowers citizens to supervise and report on breaches in land management and land use including land recovery, compensation, support and resettlement (Article 199). -Mandates the government to develop a system for monitoring and evaluation on land management and land use including land pricing, land recovery, settlement of disputes, etc. to be sent periodically to the government and the National Assembly (Article 200). Monitoring indicators are not specified. 	<p>Mechanism for resettlement monitoring and evaluation shall be established. An internal monitoring mechanism and/or an external monitoring agency/expert (in case of significant impacts) will be recruited to implement monitoring activities of the project (if necessary).</p>

135. While ADB has issued a policy on Indigenous People/ Ethnic Minority People, GoV do not have a special policy but treat ethnic minority people like the majority people. Ethnic minority people are applicable to assistances and supports of the government through a number of programs, especially national target programs, for vulnerable groups.

136. Table below presents the gaps between Vietnam policies and ADB SPS on Indigenous people/ Ethnic minority people.

Table V-2: the gaps between Vietnam policies and ADB SPS on Indigenous people/ Ethnic minority people

Indigenous People/ Ethnic Minority	Vietnam policies	ADB SPS
Project screening	No specific regulation on screening projects with impact on ethnic minority groups	+ Category A: applied to projects with significant impact on IP. An IP development plan shall be prepared to avoid negative impacts and ensure adequate benefit. Cat A shall be applied to sub-project (roads) where IP groups maintain their traditional customs or economic activities which are more difficult. + Category B: applied to projects which need specific action plan to IP groups in order to ensure their adequate benefits and minimize negative impacts. An action plan shall be implemented through specific activities of the resettlement plan and community consultation. + Category C: applied to projects with minor or insignificant impact to IP. These projects are not requested to prepare IP plan or any other specific activity
Implementation	No specific regulation	Project screening, social impact assessment, EMDP shall be conducted
Vulnerable and EM groups	The government policies recognize special needs of poor households in compensation, assistance and resettlement, but there is no explicit recognition of other vulnerable groups due to the nature of minority or other criteria.	The term indigenous peoples is used in a broad sense to refer to a cultural, social, vulnerable group

<p>IP/EM with significant impact, a EMDP or special action to in RP shall be available</p>	<p>There is no specific resettlement regulation applied to EM people, their benefits and responsibilities are equal to other Vietnamese citizen. Vulnerable groups are eligible to a number of additional allowances according to the Decree 47. Empowering to chairman of Provincial people committee to make decision on provision of sufficient and appropriate allowance to the poor and vulnerable people to stabilize their lives. The Decree also stipulated to ensure the objectivity and fairness of compensation, resettlement and support. The term "stable" means positive people affected will be assisted to settle at least equal to or better than previous life without the influence of the project. However, there is no provision required to prepare IP plan or conditions to support to view them as special cases to eligible to cultural sensitive special support</p>	<p>When IP or EM issues are identified significant, as stipulated in OM section F3, there is a need to devote special attention to identify possible alternative design to mitigate those impacts. The EMDP shall be required to supplement to the RP. If IP issues are identified not significant, EM action plans are sufficient to address the EMDP.</p>
<p>M&E</p>	<p>No specific requirement</p>	<p>EMDP shall be developed</p>

4. Subproject policies

137. In pursuit of the above resettlement objectives, the following specific principles are adopted:

- (i) Poor and vulnerable households irrespective of their tenure status will be provided appropriate assistance to help them improve their socio-economic status. The type of assistance will be identified during REMDP preparation as per consultation with APs.
- (ii) Payment for affected lands and assets upon lands will be based on the principle of replacement cost.
- (iii) Temporarily affected land and communal infrastructure will be restored to pre-Project conditions.

- (iv) During finalization of REMDPs, an experienced appraiser shall conduct a RCS to identify the market rates and replacement costs for the affected lands and assets upon lands.
- (v) All affected households will be compensated for income loss as a result of disruption or cessation of business due to the Project, in addition to other forms of assistance, as needed and in a manner consistent with their requirements, to help restore living standards to pre-project levels.
- (vi) Assurances on life and production stabilization will be provided to those who lose 10% or more of their productive income generating assets and/or being physically displaced. The Project will focus on strategies to avoid further impoverishment and create new opportunities to improve status of the poor and vulnerable people and will be entitled to participate in an income restoration program, which will be mainstreamed in the current Program that are managed at the district level.
- (vii) Assurances shall be provided in accordance with the current Provincial regulations for those below the official poverty line, and for vulnerable groups (e.g. Ethnic minorities or female-headed households, etc.) as per consultation results and as specified in the entitlement matrix.
- (viii) Social impacts assessment will be conducted and updated to assess potential project impacts, both positive and adverse, on Ethnic minorities.
- (ix) Capacity building programs for EMs in the project area in accordance with the national regulations will be provided and funded by the PPC. Meaningful consultations with local EMs will be carried in all stages of the Subproject. The grievance redress mechanism has been developed and will be discussed and disclosed publicly in the communities.
- (x) The Subproject will ensure the rights of local EMs to benefit from the use of their cultural resource and knowledge for developing activities following the traditional customs
- (xi) The issues of access restriction and physical displacement from protected areas and natural resources will be avoided as much as possible.
- (xii) The REMDP shall be prepared and updated and consultants will be recruited to assist the REMDP preparation, implementation and monitoring.
- (xiii) Key information in the REMDP, including measurement of loss of assets, detailed asset valuation, compensation and resettlement options, detailed entitlements and special provisions, grievance redress procedures, timing of payments and displacement schedule will be disclosed to the APs in an understandable format and in the local language, such as the posting of the full REMDP in commune offices and the distribution of Public Information Booklets (PIBs) to the APs.
- (xiv) Full consultation with local EMs will be made to define areas with customary rights and to reflect the issues in an updated REMDP with particular actions or activities to protect or compensate the negative impacts that will be created by the project.
- (xv) Internal monitors of REMDP implementation will be carried out. Consultants shall be recruited for independent monitoring of REMDP implementation.
- (xvi) Notice to proceed (NTP) for civil works will not be issued for any subproject or project component that entails involuntary resettlement in accordance with the approved REMDP for that subproject or component until (i) compensation payment and relocation to new sites have been satisfactorily completed for that area, and (ii) agreed rehabilitation (income restoration) program is in place.

VI. PROJECT PRINCIPLES, ELIGIBILITY AND ENTITLEMENTS

A. Project Resettlement Principles

138. The basic principles of this project relating to involuntary resettlement are the following:
- (i) Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided or minimized where possible by exploring all alternative options;
 - (ii) APs residing, working, doing business and cultivating land within the required project area during the census survey carried out during the updating of the RP (the cut-off-date when the project is approved) will be entitled to compensation and rehabilitation assistance to assist them in improving, or at least maintaining, their pre-project living standards and productive capacities;
 - (iii) No land acquisition or site clearing will be done inside the ROW in anticipation or ahead of it being considered for implementation under the Project. Similarly, no land acquisition or site clearing will be done inside the ROW until and after the updated RP has been agreed upon by GOV and ADB, and until and after all entitlements due to the AHs as provided for in this resettlement policy have been delivered
 - (iv) Lack of formal legal title or rights will not be a bar to eligibility for compensation and assistance under the project. AHs without title or any recognizable legal rights to land are eligible for resettlement assistance and compensation for non-land assets at replacement cost;
 - (v) APs will not be displaced until they have been compensated as per the provisions of this REMDP and rehabilitation measures are in place;
 - (vi) All compensation will be based on the principle of replacement cost at the time of compensation. For houses and other structures, this will involve the costs for materials and labour at the time of acquisition, with no deduction for depreciation or for salvageable materials. Compensation for land will be replacement land or, in cases where replacement land is not available or the household opts for cash compensation, cash adequate to purchase land locally of equivalent size and quality, cover the cost of transaction, necessary fee to obtain legal titles (LURC) and where required compensation to improve land if the land provided as replacement is of inferior quality;
 - (vii) The rate for compensation will follow the entitlement matrix (below) that will be revised at the time of updating the REMDP.
 - (viii) The process and timing of land and other asset acquisition will be determined in consultation with APs to minimize disturbance;
 - (ix) Where houses, structures, and other physical assets are partially affected to the degree that the remaining portion is not viable for its intended use, the project will acquire the entire asset, and APs will be entitled to compensation at replacement cost for the entire asset. Currently there has not yet been any regulation in Lao Cai in term of the minimum area of a plot of land. Therefore the EA in consultation with the AHs when updating the REMDP will determine whether the project will acquire entire or only the affected part of the asset. .
 - (x) If unanticipated involuntary resettlement impacts or temporary impacts occur during project implementation, the project is required to conduct a social impact assessment and then update the REMDP or formulate a new REMDP. All temporary and unanticipated impacts will be addressed as per the principles in this REMDP;

- (xi) APs will be systematically informed and consulted about the project, the rights and options available to them and proposed mitigating measures. The comments and suggestions of APs and communities will be taken into account;
- (xii) The key information in the REMDP such as measurement of losses, detailed asset valuation, compensation and resettlement options, detailed entitlements and special provisions, grievance procedures, timing of payments and displacement schedule will be disclosed to APs in an understandable format including through the distribution of public information booklets (PIBs) prior to submission to ADB for review and approval. The REMDP will also be translated in to Vietnamese and disclosed at the project office;
- (xiii) Resettlement planning and implementation will ensure that gender concerns are incorporated, including gender-specific consultation and information disclosure. This includes special attention to guarantee women's assets, property, and land-use rights, and to ensure the restoration of their income and living standards;
- (xiv) Existing cultural and religious practices will be respected and, to the maximum extent practical, preserved;
- (xv) Special measures will be incorporated in the REMDP to protect socially and economically vulnerable groups such as ethnic minorities, women-headed households, children, households headed by the disabled, the elderly, landless and people living below the generally accepted poverty line. Vulnerable APs will be provided with appropriate assistance to help them improve their standard of living through asset building strategies such as provision of land, replacement housing of minimum standards and increased security of tenure;
- (xvi) There will be effective mechanisms for hearing and resolving grievances during updating and implementation of the REMDP;
- (xvii) Institutional arrangements will be in place to timely and effectively implement the land acquisition, compensation, resettlement, and rehabilitation programs with full participation and meaningful consultation with AHs;
- (xviii) Adequate budgetary support will be fully committed and made available to cover the costs of land acquisition and resettlement within the agreed implementation period;
- (xix) Culturally-appropriate and gender-sensitive reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system;
- (xx) Voluntary donation will not be applied for any assets;
- (xxi) Civil works contracts will not be awarded for a specific subproject or geographic area until (i) compensation payment and relocation (as required) have been satisfactorily completed for that subproject or geographic area; (ii) agreed rehabilitation program is in place; and (iii) the area is free from all encumbrances as per approved REMDP;
- (xxii) Cash compensation or replacement land for affected households losing entire residential land will be made available well ahead of civil works to allow the affected households sufficient lead time to reconstruct their houses; and
- (xxiii) No demolition of assets will be done until the affected household is fully compensated and relocated.

B. Eligibility and Entitlements

139. **Eligibility.** All APs who were identified in the project-impacted areas on the cut-off date will be entitled to compensation for their affected assets and to rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income earning capacity and production levels. The cut-off date will be based on the date of completion of DMS and approval of the project by the Lao Cai Provincial authorities. Those who encroach into the subproject area after the cut-off date will not be entitled to compensation or any other assistance.

140. **Entitlements for Compensation and Assistance.** Table below includes the main types of losses and the corresponding nature and scope of entitlements. The detailed civil works design, DMS and socioeconomic surveys will be the basis for determining actual impacts on land, house and structures, crops, and trees. Compensation and assistance described in the entitlement Matrix are consistent with the SPS requirements. Standards rates and compensation entitlements described in the entitlement matrix will not be lowered but can be enhanced in the updated subproject REMDP as required.

Table VI-1: Entitlement Matrix

Types of loss/impacts	Level of impact	Entitled persons	Entitlements (to be revised during updating of REMDP)	Implementation issues
1. Loss of Land				
Private residential land	Entire or Partial loss	Legal owners of land who are legalizable 9 AHs (34 APs)	Compensation) at cash for permanently acquired land based on replacement cost; and Compensation for affected assets on land at replacement cost, see below item 2	AHs will fully receive the compensation at the replacement cost before site clearance. They will keep using the remaining part for their production purposes.
Private production land (land for rice cultivation, land with annual trees, land with perennial trees, forest land, and land for forest production)	Entire or Partial loss	Legal owners of land who are legalizable 137 AHs in Road 152 and 1 AH in Northeast WWTP	Compensation) at cash for permanently acquired land based on replacement cost; and Compensation for affected assets on land at replacement cost, see below item 2	AHs will fully receive the compensation at the replacement cost before site clearance. They will keep using the remaining part for their production purposes.
Public land	Loss of public land	All APs including Government entities having jurisdiction over public land (2 CPCs)	Land owned by government that are used by state entities without payment of rentals will not receive compensation when acquire land for the public purpose (Article 14, Decision No.26/2013/QĐ-UBND dated on 25 July, 2013 of Lao Cai province). Compensation for APs	The compensation is equal to 100% of the price for the specified agricultural land counted for compensation. The compensation shall be deposited to the State budget managed by the communal government and shall be spent for the

Types of loss/impacts	Level of impact	Entitled persons	Entitlements (to be revised during updating of REMDP)	Implementation issues
			for non-land Affected assets. See items II and III below.	purpose of investing into the infrastructural works serving community's needs (40%) and those of villages and counties whose land is acquired (60%)
2. Loss of Houses and Structures				
Houses and Structures	Partial/ Fully affected households and structures	Owners regardless of tenure status: 11 AHs (34APs) 1 CPC	<p>a) If they are partially affected: compensation in cash equal to the market price for materials and wage for workers without deducting or depreciating those materials that can be reused for the affected area of structure & Repair allowance equivalent to 10% of compensation amount.</p> <p>b) If they are fully affected: compensation in cash equal to the market price for materials and wage for workers without deducting or depreciating those materials that can be reused for the whole of structure (Article 23).</p>	Regarding houses and structures which are partial removed and the rest of them cannot be used, the owners then will get compensation for the whole house and structure. (Point b, provision 2, article 23)
3. Loss of Crops				
Crops	Loss of or damage to vegetation	Owners regardless of tenure status 137 AHs in Road 152 and 1 AH in Northeast WWTP	In case crops have been identified, compensate at cash, current market price at moment of compensation. As per provincial latest regulations.	APs have the right to use salvageable trees. APs will be given three months noticed that the land/fishponds on which their products are located will be recovered and that they must harvest their produce on time. APs will receive cash compensation at current market cost for any unharvested

Types of loss/impacts	Level of impact	Entitled persons	Entitlements (to be revised during updating of REMDP)	Implementation issues
				produce that are near or ready to harvest at the time of land acquisition
4. Loss of Trees				
Trees	Loss of or damage to trees	Owners regardless of tenure status 15 Ahs	In case trees have been identified, compensate at cash, current market price at moment of compensation. As per provincial latest regulations.	APs have the right to use salvageable trees. APs will be given three months noticed that the land/fishponds on which their products are located will be recovered and that they must harvest their produce on time. APs will receive cash compensation at current market cost for any unharvested produce that are near or ready to harvest at the time of land acquisition
5. Assistance				
Assistance for relocation (reorganization)	Severely affected and relocation required (including reconstruction of houses on the remaining land)	Owners regardless of tenure status 3 AHs (15 APs)	a) Assistance for relocation (Article 32) The assistance for households and individuals to relocate is stipulated as the follows: i) Relocation within the province - Households having fewer than 4 members: 2,900,000 VND/household - Households having more than 5 members: 3,300,000 VND/household. - Relocation the next times (from the 2 nd time): 1,000,000 VND/household.	Severely affected due to impacts on living activities

Types of loss/impacts	Level of impact	Entitled persons	Entitlements (to be revised during updating of REMDP)	Implementation issues
			ii) Relocation out of the province: - Households having fewer than 4 members: 5,950,000 VND/household - Households having more than 5 members: 6,400,000 VND/household b) Assistance for house rent (Article 32) Assisting the households during the time of constructing a new house: ii. 1,500,000 VND/month /household during 6 months; c) Livelihood allowance (Article 36) : 500,000đ/month/person during 6 months.	
Assistance for livelihood restoration	Permanent loss (losing 10% and more productive assets)	AHs who will lose 10% and more productive assets 3 AHs (11 APs)	APs that lose 10% or more productive assets will be entitled to participate in an income restoration package and be compensated as follows (Article 33): @ 10%≤loss<70% = 500,000 đ /month/person (equal to 30 kg of rice/ month/person)X 6 months @Loss>70% = 500,000 VND/month/person X12 months	The project will apply the entitlements stipulated in the national and provincial decree/decisions
Assistance for job training/ creation	Losing productive land	AHs who will lose productive land 148 AHs (701 APs)	- The assistance for land of annual trees plantation, land of aquaculture, land of salt making shall be 2 times as much as that for agriculture (Article 35)	-The assistance provided will be 2 times the cost the land at market price

Types of loss/impacts	Level of impact	Entitled persons	Entitlements (to be revised during updating of REMDP)	Implementation issues
Rental assistance	Households who loss house	AHs who will lose their house fully 3 AHs (11 APs)	Households, individuals whose land is acquired and have no other places to live will be supported with rentals while waiting for the new places; Time for receiving assistance will be counted from date of land handover for investors till receiving the new land with additional 6 (six) months for house construction (since resettlement area finishes its infrastructure including roads, electricity and water system) at the rate of 1,500,000 VND/month	Households, individuals whose land is acquired and have no other places to live will be supported with rentals while waiting for the new places; Time for receiving assistance will be counted from date of land handover for investors till receiving the new land with additional 6 (six) months for house construction (since resettlement area finishes its infrastructure including roads, electricity and water system) at the rate of 1,500,000 VND/month
Assistance for vulnerable groups	All affected EM household (including 10 HH below poverty line)	All affected EM households 138 AHs (665 APs)	All affected EM households are provided with 2,000,000	All affected EM households are provided with 2,000,000
Early handover bonus	Households who have to relocate and handover the land and/or structures early	Households who have to relocate and handover the land and/or structures early 11 AHs	The bonus is given as 2,000,000 VND/house to the households who handover their land and/or structure early	The bonus is given as 2,000,000 VND/house to the households who handover their land and/or structure early
Unanticipated impacts /assistance	Severe Losses identified during updating RP	Applicable to AHs or APs	To be determined or revised during RP updating. Provision of training and microcredit for microenterprises	Will assist / compensate to the extent of the loss in agreement with provincial regulations Organisation of training and microcredit support by the PPC

141. The subproject causes minor impact on the local people. All AHs are compensated for their affected assets and support for job creation. The Income restoration Program for severely affected AHs and vulnerable group will be updated in the DMS.

VII. UPDATING AND IMPLEMENTATION OF THE RESETTLEMENT PLAN

A. Updating

142. This REMDP will be updated once the subproject's detailed civil works design is complete. The updating will consider any change in design that alters the resettlement impacts, including the identification of additional affected persons and extent of temporary economic disruption, and required compensation/livelihood restoration. Updating of the REMDP will involve the following steps:

- (i) Undertake a Detailed Measurement Survey (DMS) of all losses of all APs. Before undertaking the DMS, all AHs will be informed (without discrimination) about the subproject, its likely impacts, and principles and entitlements as per the REMDP;
- (ii) Update the socioeconomic information gathered during project preparation to establish the baseline of APs as required;
- (iii) Review the process of compensation level through consultation with the DRC and Lao Cai PPC for the allowances that will be provided to the APs entitled.
- (iv) Conduct comprehensive public consultations with severely affected households to determine their needs and priorities for income restoration assistance and to formulate income rehabilitation measures that respond to peoples' needs.
- (v) Determine the losses in accordance with the entitlement matrix and update the compensation rate based on the results of the replacement cost survey, and verify rates in accordance with ADB guidelines;
- (vi) Provide project and resettlement information to all persons affected in a form and language that are understandable to them, and closely consult them on compensation and resettlement options, including measures to compensate for economic losses and relocation sites for shops (if necessary);
- (vii) Prepare the final REMDP with time-bound implementation schedule, procedures for grievance redress, monitoring and evaluation, and a budget;
- (viii) Translate it into Vietnamese and other ethnic languages in relevant to the affected ethnic groups; and
- (ix) Disclose the draft and final REMDP to the affected communities and on the ADB website, in accordance with ADB's Public Communications Policy (2011). The draft REMDP will be disclosed to APs prior to ADB's staff review meeting. The final REMDP will be disclosed during implementation. An updated public information brochure based on updated resettlement plan will be provided to APs. Surveys to be used to gather information to update the REMDP are shown in Table VII-1.

Table VII-1: Surveys for REMDP Updating

Detailed Measurement Survey (DMS)	<p>The DMS will cover 100% of APs following detailed engineering design. The data collected during the DMS will constitute the formal basis for determining AP entitlements and levels of compensation. For each AP, the scope of the data will include:</p> <ul style="list-style-type: none"> (i) Total and affected areas of land, by type of land assets; (ii) Total and affected areas of structures, by type of structure (main or secondary) and construction grade; (iii) Legal status of affected land and structure assets, and duration of tenure and ownership; (iv) Quantity and types of affected crops and trees; (v) Quantity of other losses, e.g., business or other income, jobs or other productive assets; estimated daily net income from informal shops; (vi) Quantity/area of affected common property, community or public assets, by type; (vii) All the impacted assets will be quantified and the severity of the losses will be assessed during the DMS (viii) Summary data on AP households, by ethnicity, gender of head of household, household size, primary and secondary source of household income viz-a-viz poverty line, income level, and whether household is headed by the elderly, disabled, poor or indigenous peoples; (ix) Identify whether affected land or source of income is primary source of income; and (x) AP knowledge of the subproject and preferences for compensation and, as required, relocation sites and rehabilitation measures.
Socioeconomic Survey	<p>The SES will collect information from 100% of affected households/APs, disaggregated by gender and ethnicity. The purpose of the SES is to provide baseline data on APs to assess resettlement impacts, and to be sure proposed entitlements are appropriate, and to be used for resettlement monitoring. The scope of data to be collected includes:</p> <ul style="list-style-type: none"> (i) Household head: name, sex, age, livelihood or occupation, income, education and ethnicity; (ii) Household members: number, livelihood or occupation, school age children and school attendance, and literacy, disaggregated by gender; (iii) Land tenure status with all the variation if multiple, (iv) List of assets and the mode of ownership over the assets (v) Living conditions: access to water, sanitation and energy for cooking and lighting; ownership of durable goods; and (vi) Access to basic services and facilities. (vii) Special skills of the household members if any (viii) Average monthly income.
Replacement Cost Survey (RCS)	<p>The PMU will engage a specialist to conduct the RCS in parallel with DMS and SES activities by collecting information from both secondary sources and primary sources (direct interviews with people in the affected area, material suppliers, house contractors), and from both those affected and those not affected. The government rates will be adjusted, as necessary, based on the findings of a RCS. Compensation rates will be continuously updated to ensure that APs receive compensation at replacement cost at the time of compensation payment.</p>

B. Implementation

Land acquisition, compensation and relocation (if necessary) of APs cannot commence until the REMDP has been reviewed and agreed on by the Government of Vietnam and approved by the ADB. All resettlement activities will be coordinated with the civil works schedule. The

Notice to Proceed for civil works contractors will not be issued for subprojects with resettlement impacts until compensation payment has been fully disbursed to AHs, agreed rehabilitation assistance is in place, and the site is free of all encumbrances.

VIII. GRIEVANCE REDRESS MECHANISM

143. A well-defined grievance redress and resolution mechanism has been established to address AH's grievances, complaints, and requests regarding land acquisition, compensation and resettlement in a timely and satisfactory manner. The grievance redress mechanism and appeal procedures are explained in the public information booklet that will be distributed to all AHs. During detailed design, all AHs will be informed again of their rights, and the detailed procedures for filing grievances. Appeal process will be publicized through an effective public information campaign.
144. AHs (men and women) can lodge complaints regarding any aspect of the land acquisition and resettlement issues such as, entitlements, rates and payment and procedures for resettlement and income restoration programs.
145. Procedure for redress of grievances, in Lao Cai Province, is implemented according to Decree 84/2007 and according to the Law on Complaints and Denunciations No. 09/1998/QH10 of December 2, 1998).
146. In Sa Pa, the PMU has decided to establish a grievance board, separate from the compensation board. Members of the grievance board will include representatives of the Center for Land Fund Development (CLFD), district and commune authorities, PMU, AHs, village leaders in the affected area, and representatives of ethnic minority AHs.
147. The process of grievance redress will follow and four-step process as follow:
- **Stage 1:** AH send/forward directly their complaints (written or by verbal) at commune level or to the Sa Pa grievance board. After receiving complaints of the AH, the board in collaboration with commune PC will hold a first meeting to review the case and propose a first solution. AP is then met and the solution is proposed to the AH. In case the AH does not agree with the proposed measure, the board will assign a person to review the complaint following approved compensation plan (complaints are mainly on compensation rates for land) then another meeting with the AH will be organized (second meeting) to clarify their complaint. After this second meeting, the board will send a letter of complaint resolution to AH, and if the AH agrees with the resolution he/she will withdraw the complaint.
 - **Stage 2:** If the AH is still not satisfied with the board proposed solution, he can forward his complaint to the district level. The District PC will send AP's complaint back to the board, the board will collaborate with relevant departments of the district to establish a review/appraisal mission and check the AP complaints, then carry out grievance process as stipulated under the Law of Complaints and Denunciation.
 - **Stage 3:** If the AH is not satisfied with the decision of the board or in the absence of any response, the AH can appeal to the Provincial People's Committee. The PPC will review and issue a decision on the appeal within 30 days from the day it is received
 - **Stage 4:** If the AH is still not satisfied with the decision of PPC or in the absence of any response within the stipulated time, the AH as a last resort may submit his/her case to the court.
148. However, the project grievance procedure does not impede access to court at any time.
149. APs who present their complaints will be exempted from all administrative fees incurred and will be provided with free legal representation should they lodge appeals to district courts. All expenses relate to grievance redress will be borne by the project.
150. In case of complain by the ethnic minority community, the village chief (or village elders) who are generally reputable, respected and experienced people, can play an

important role in addressing social conflicts in the community. They can act as an important bridge between the EM people and the authorities.

IX. INSTITUTIONAL ARRANGEMENT

151. The Lao Cai PMU manages the preparation and implementation of projects in Lao Cai Province. It will manage and oversee the implementation of the four subproject components – wastewater, roads, urban infrastructure improvements and preparation of studies and bidding documents. It was created in its current form based on Decisions n°281/QD-UBND from February 9, 2012 and Decision n°1488/QD-UBND from June 21, 2012 and carries its responsibilities under DPI. Even though most of the staff of the PMU is based in Lao Cai, the Official Development Assistance (ODA) PMU has an office in Sa Pa district.

A. Provincial Level

152. The Provincial People Committee (PPC) is the Executing Agency for the GMS CTD in Sa Pa town and assures overall coordination, planning, implementation, and reporting for the Project. The PPC/PMU will be assisted by an international safeguard specialist and a national specialist staff of the Project Implementation Consultants. TOR for the safeguards specialists is presented as Annex 6.

153. During implementing REMDP, PMU under PPC has the responsibilities as follow:

- (i) Providing overall planning, coordination, and supervision of the resettlement implementation;
- (ii) Guiding implementing agencies (CARB) and PMUs to implement resettlement activities in accordance with policy of the approved REMDP; and advise local authorities to resolve timely and successfully any mistakes or shortcomings identified through internal and/or external monitoring of REMDP implementation to ensure that the objectives of the REMDP are met;
- (iii) Finalizing REMDP and obtaining PPCs and ADB's approval before implementing approved REMDP;
- (iv) Providing resettlement training to implementing agencies, all PMU staff and CARBs staff;
- (v) Coordinating with other implementation agencies and relevant institutions during periods of preparation, planning and implementation of the REMDP;
- (vi) Establishing a database of APs for each component, as well as for the Project as a whole;
- (vii) Establishing procedures for ongoing internal monitoring and review of project level progress reports and for tracking compliance to project policies;
- (viii) Establishing procedures for monitoring coordination between contractors and local communities and for ensuring prompt identification and compensation for impacts occurring during construction;
- (ix) Recruiting, supervising, and acting upon the recommendations of the external monitoring organization;
- (x) Establishing procedures for the prompt implementation of corrective actions and the resolution of grievances;
- (xi) Authorize the district-level People's Committees to approve compensation, assistance and resettlement plans;
- (xii) Directing the relevant agencies to settle APs' complaints, grievances related to compensation, assistance and resettlement according to their law-prescribed competence;

- (xiii) Reporting periodically on resettlement implementation progress to the ADB.

B. District Level

154. The DPC undertakes comprehensive management on compensation, assistance and resettlement. The DPC is responsible to the PPC to report on progress, and the result of land acquisition. The DPC's primary task includes:
- (i) Approving the schedule and monitoring the progress of land acquisition and resettlement implementation in compliance with updated REMDP;
 - (ii) Establishing CARB and Resettlement team and directing CARB and relevant district departments to appraise and implement the detailed compensation, assistance and resettlement;
 - (iii) Approving and taking responsibility before the law on the legal basis, and accuracy of the detailed compensation, assistance and resettlement options in the local area; Approving cost estimates on implementation of compensation, assistance and resettlement work;
 - (iv) Taking responsibility for acquiring LURC, certificate on land owning right of the households and individuals who have land, house entirely recovered; adjusting LURC for households and individuals who have land, house partially recovered, in accordance with authorization;
 - (v) Directing Commune People's Committees and relevant organizations on various resettlement activities;
 - (vi) Reviewing and endorsing the Updated REMDP for approval of the PPC;
 - (vii) Resolving complaints and grievances of APs.

C. Commune Level

155. The CPC will assist the CARB in their resettlement tasks. Specifically, the CPC will be responsible for the following:
- (i) In co-operation with District level and with commune level local mass organizations, mobilize people who will be acquired to implement the compensation, assistance and settlement policy according to approved REMDP;
 - (ii) To co-operate with CARB and Working groups to communicate the reason for acquisition to the people whose land is to be acquired; To notify and publicize all resettlement options on compensation, assistance and resettlement which are approved by DPC;
 - (iii) Assign Commune officials to assist the CARB in the updating of the REMDP and implementation of resettlement activities;
 - (iv) Identify replacement land for affected households;
 - (v) Sign the Agreement Compensation Forms along with the affected households;
 - (vi) Assist in the resolution of grievances; and
 - (vii) Actively participate in all resettlement activities and concerns.

D. Centre for Land Fund Development (CLFD)

156. A new resettlement organization is established at the Centers for Land Fund Development (CFLD) and given more responsibilities. CLFD at the provincial level are

under DONRE while at the district/City level they are under the District/City People's Committees.

157. In Sa Pa, the Centre for Land Fund Development (CLFD) is established under the SA Pa City People's Committee and has the mandate to implement all resettlement related activities.
158. For this project, the SA Pa City CLFD has been assigned to work directly with PMU to prepare and implement the resettlement plan with other relevant institutions. The CLFD will oversee the implementation of the DMS and establish a database of AHs, impacts on property and livelihoods, as well as compensation, assistance and allowances.
159. Specific to the Project, the CFLD will execute the following tasks:
 - (a) Issue Notice of Land Acquisition when the project will be formally approved;
 - (b) Inform AHs about Detailed Measurement Survey process;
 - (c) Conduct Detailed Measurement Survey;
 - (d) Prepare AHs database;
 - (e) Prepare compensation plans in line with resettlement plans;
 - (f) Prepare individual "AH Compensation Forms" which detail all types of losses with its corresponding established compensation rates. This will also include all types of relocation and rehabilitation assistance.
 - (g) Inform AHs regarding payment schedule at least two (2) weeks in advance.
 - (h) Present proposed compensation amounts to AHs and explain in detail the AH's rights and entitlements based on Project policies and explain how compensation amounts were calculated.
 - (i) If compensation payments are acceptable to AHs, process payment and inform AHs of exact date of release of payment.
 - (j) Effect compensation payment. Copies of compensation payment documents will be provided to AHs. Copies will also be provided to the Implementation and Support Consultants and agency for monitoring and reporting.
 - (k) Review grievances in consultation with main stakeholders and HH who raised grievances. Submit recommendation to solve grievance to District and Province PC;
 - (l) Prepare and update regularly a database and lists of AHs, including information regarding disbursement dates for monitoring purposes.

E. Local Mass Organisations

160. Mass organizations relevant to the various AH profiles, needs and impacts will participate in the development and implementation of assistance measures for AHs. Mass organizations in Viet Nam are types of community based organizations. Such organizations would include the Fatherland Front, Women's Union, Farmer's Union and other relevant organizations.

F. Project Implementation Consultants

161. The project Implementation Consultant (PIC) will include one international safeguard specialist (3 person months) and 1 national safeguards specialist (12 person months), to

assist and supervise all social and resettlement related activities. Their specific responsibilities will include the following:

- (a) Work closely with PMU, Centre for Land Fund Development, local authorities at all levels on all resettlement-related activities;
- (b) Assist in the conduct of the information campaigns, public consultation and community participation;
- (c) Assist in the verification of census, inventory of losses and detailed measurement survey activities;
- (d) Check the accuracy of the AH database prepared and provide improvements if necessary;
- (e) Assist in the preparation of an updated REMDP;
- (f) Assist and improve, if necessary, procedures for the coordination of resettlement and compensation activities;
- (g) Ensure that grievances are addressed promptly and properly and that grievance redress mechanism is functioning well;
- (h) Provide necessary training on grievance if needed;
- (i) Establish and implement liaison mechanisms to ensure proper technical and logistical support to PMU, local administrative authorities, resettlement committees and concerned government departments;
- (j) Establish and implement procedures for ongoing internal monitoring;
- (k) Design and deliver capacity development activities for all relevant agencies, as needed, in the areas of ADB resettlement policy; participation and communication; gender and development; and livelihood restoration.

The TOR for the international and national safeguards specialists is provided as Annex 6.

X. MONITORING AND EVALUATION

162. The implementation of the updated REMDP will be monitored regularly to ensure that it is implemented as planned and that mitigating measures designed to address the project's adverse social impacts are adequate and effective. Towards this end, internal resettlement monitoring will be carried out through affected community as well by the PMU.

A. Community Monitoring

163. Community-based monitoring (CBM) is a form of public oversight, ideally driven by local information needs and community values, to increase the accountability and quality of social services or to contribute to the management of ecological resources. Within the CBM framework, members of a community affected by a social program or environmental change generate demands, suggestions, critiques and data that they then feed back to the organization implementing the program or managing the project.

164. People in the subproject area will be invited to monitor the implementation of REMDP, especially the affected people by comparing what they received with what stated in the REMDP.

B. Internal Monitoring

165. The objectives of internal monitoring and evaluation is to assess:

- (i) Compliance with the agreed REMDP;
- (ii) The availability of resources and the efficient, effective use of these resources to implement land acquisition and resettlement activities;
- (iii) That resettlement institutions are well-functioning during the course of project implementation;
- (iv) Resettlement activities are undertaken in accordance with the implementation schedule described in the REMDP;
- (v) To identify problems, if any, and remedial actions.

166. Primary responsibility for internal monitoring lies with the PMU as the project implementing agency. The PMU will be responsible for overseeing the formation, function, and activities of each of the provincial and district bodies responsible for resettlement. The PIU will ensure that information on resettlement progress flows from DCARBs. The DCARB will submit monthly progress reports to the PMU. The PMU will consolidate all provincial reports into the project performance monitoring system, which will be used to prepare regular progress reports to submit to ADB on quarterly basis.

167. Periodic monitoring reports will be uploaded on the project website and disclosed to the key stakeholders. All data will be gender and ethnicity disaggregated and made available to the independent monitoring organization.

168. The PMU will develop an internal monitoring schedule, indicators, procedures and reporting requirements for all subprojects. Internal monitoring indicators will include but not limited to:

- (i) Payment compensation to affected persons in accordance with the agreed REMDP;
- (ii) Coordination completion of land acquisition, compensation and, as required resettlement activities commencement of civil works;
- (iii) Adherence to public information dissemination consultation procedures, and report on activities;
- (iv) Adherence to grievance redress procedures, and report of activities. Sample indicators to be monitored regularly.

- (v) Capacity of affected households to restore/re-establish livelihoods and living standards. Special attention will be given to severely affected households and vulnerable households focusing on achieving project objectives of improving socio-economic status of vulnerable households;
- (vi) Resettlement impacts caused during construction activities;
- (vii) Targets proposed in the gender action plan;
- (viii) Activities mainstreamed in subproject ones for ethnic minority development;
- (ix) Participation of APs in REMDP updating and implementation.

169. The number of severely affected APs is low. Therefore, external motoring is not required in the subproject.

XI. BUDGET

170. The REMDP budget is presented below. The total resettlement cost is estimated 10,544,593,099 VND (USD 502,123.48) that includes a direct cost 9,417,172,410 VND (USD 448,436.78), internal monitoring and management cost at 2 % and a contingency of 10%. The basis for calculation of the value of the losses was made as per provincial regulations and consultation with the local people. The details for the different costs are provided in Table XI-1 below.

171. Compensation Rates. Compensation rates applied for this project for different types of losses are based on the current rates established by the Lao Cai Peoples Committee. Compensation rates and the costs will be updated during implementation phase following completion of DMS and RCS, and consultation with the provincial authorities. The details on compensation rates as applicable for types of losses and compensation amounts are provided below:

A. Compensation for Loss of Land

Table X-1: Compensation for loss of land with annual trees

Commune	Land with annual trees			
	# AH	Area	Unit price	Amount
Sa Pa	6	781.5	70,000.0	54,707,100.0
Lao Cai	16	2,760.3	52,000.0	143,535,600.0
Ta Van	16	1,983.4	52,000.0	103,136,800.0
Hau Thao	13	1,081.7	52,000.0	56,248,400.0
Su Pan	20	2,358.4	52,000.0	122,636,800.0
Total	71	8,965.3		480,264,700.0
Suoi Ho				
Grand total	71	8,965.3		480,264,700

Table X-2: Compensation for loss of land with perennial trees

Commune	Land with perennial trees			
	# AH	Area	Unit price	Amount
Sa Pa	5	2,638.2	60,000.0	158,292,000.0
Lao Cai	4	586.0	46,000.0	26,956,000.0
Ta Van	1	99.0	46,000.0	4,554,000.0
Hau Thao	1	153.0	46,000.0	7,038,000.0
Su Pan	1	24.0	46,000.0	1,104,000.0
Total	12	3,500.2		197,944,000.0
Suoi Ho				
Grand total	12	3,500.2		197,944,000

Table X-3: Compensation for loss of forest land

Commune	Forest land			
	# AH	Area	Unit price	Amount
Sa Pa	0	-	-	-
Lao Cai	0	-	-	-
Ta Van	0	-	-	-
Hau Thao	0	-	-	-
Su Pan	2	970.0	16,000.0	15,520,000.0
Total	2	970.0		15,520,000.0
Suoi Ho				
Grand total	2	970.0		15,520,000

Table X-4: Compensation for loss of rice cultivation land

Commune	Rice Plantation land			
	# AH	Area	Unit price	Amount
Sa Pa	0	-	-	-
Lao Cai	11	1,757.0	66,000.0	115,962,000.0
Ta Van	8	932.8	66,000.0	61,564,800.0
Hau Thao	12	1,092.8	66,000.0	72,124,800.0
Su Pan	30	4,423.7	66,000.0	291,964,200.0
Total	61	8,206.3		541,615,800.0
Suoi Ho	1	4,500.00	66,000.0	297,000,000.0
Grand total	62	12,706.3		838,615,800

Table X-5: Compensation for loss of residential land

Commune	Residential land			
	# AH	Area	Unit price	Amount
Sa Pa	0	-	-	-
Lao Cai	3	79.5	4,000,000.0	318,000,000.0
Ta Van	2	234.0	1,400,000.0	327,600,000.0
Hau Thao	3	192.6	1,400,000.0	269,640,000.0
Su Pan	1	31.0	420,000.0	13,020,000.0
Total	9	537.1		928,260,000.0
Suoi Ho				
Grand total	9	537.1		928,260,000

Table X-6: Compensation for the loss of forest productive land

Commune	Forest productive land			
	# AH	Area	Unit price	Amount
Sa Pa	2	160.2	20,000.0	3,204,000.0
Lao Cai	0	-	-	-
Ta Van	0	-	-	-
Hau Thao	0	-	-	-
Su Pan	0	-	-	-
Total	2	160.2		3,204,000.0
Suoi Ho				
Grand total	2	160.2		3,204,000.0

Table X-7: Compensation for loss of un-used land to the CPC

Commune	Un-used land			
	# AH	Area	Unit price	Amount
Sa Pa	0	0	-	-
Lao Cai	0	0	-	-
Ta Van	0	0	-	-
Hau Thao	0	0	-	-
Su Pan	0	0	-	-
Total	0	0		-
Suoi Ho	1	4,110	33,000	135,630,000.0
Grand total	1	4,110.0		135,630,000

Table X-8: Compensation for loss of un-used land to the CPC

Commune	Residential land			
	# AH	Area	Unit price	Amount
Sa Pa				
Lao Cai	1	17.0	2,000,000.0	34,000,000.0
Ta Van				
Hau Thao				
Su Pan				
Total	1	17.0		34,000,000.0
Suoi Ho				
Grand total	1	17.0		34,000,000

B. Compensation for Loss of House/Structure

Table X-9: Compensation for loss of house/structure

Commune	House			Toilet			Yard			Cow shelter			Total		
	# AH	Affected area (sqm)	Amount (VND)	# AH	Affected area (sqm)	Amount (VND)	# AH	Affected area (sqm)	Amount (VND)	# AH	Affected area (sqm)	Amount (VND)	# AH	Affected area (sqm)	Amount (VND)
Sa Pa													0	0	-
Lao Cai	2	49.50	134,527,500				1	30	7,447,000				3	79.5	141,974,500
Ta Van	2	286.6	575,052,000				1	30	7,447,000				3	316.6	582,499,000
Hau Thao	2	110	256,630,000	1	3	2,250,000	1	31	4,712,000				4	144	263,592,000
Su Pan										1	15	8437500	1	15	8,437,500
Total	6	446.1	966,209,500	1	3	2,250,000	3	91	19,606,000	1	15	8,437,500	11	555.1	996,503,000

Table X-10: Compensation for loss of house/structure to the CPC

Commune	House		
	# AH	Affected area (sqm)	Amount (VND)
Sa Pa			
Lao Cai	1	17.00	49,045,000
Ta Van			
Hau Thao			
Su Pan			
Total	1	17	49,045,000

Repair allowance to households affected by partial loss of Structures

Repair allowance at the rate of 10% of the amount of compensation provided to 3 households and 1 CPC affected by partial loss of structures.

Table X-11: Repair allowance for HHs and CPC affected by partial loss of structures

Commune	House		
	# AH	Affected area (sqm)	Amount (VND)
Sa Pa			
Lao Cai	3	66.50	18,357,250
Ta Van			
Hau Thao	1	10.00	2,333,000
Su Pan			
Total	4	76.5	20,690,250

C. Compensation for Loss of Crops to the HHs

Table X-12: Compensation for loss of rice

Commune	Rice			
	# AH	Area	Unit price	Amount
Sa Pa			4,200	-
Lao Cai	11	1757	4,200	7,379,400
Ta Van	8	932.8	4,200	3,917,760
Hau Thao	12	1092.8	4,200	4,589,760
Su Pan	30	4491.7	4,200	18,865,140
Total	61	8274.3		34,752,060
Suoi Ho	1	4,500.00	4,200	18,900,000
Grand total	62	12,774.3		53,652,060

Table X-13: Compensation for loss of corn

Commune	Corn			
	# AH	Area	Unit price	Amount
Sa Pa	5	646.6	2,000	1,293,200
Lao Cai	19	3341.8	2,000	6,683,600
Ta Van	16	1983.4	2,000	3,966,800
Hau Thao	13	1081.7	2,000	2,163,400
Su Pan	20	2032.4	2,000	4,064,800
Total	73	9085.9		18,171,800

Table X-14: Compensation for loss of vegetables

Commune	Vegetables			
	# AH	Area	Unit price	Amount
Sa Pa			8,000	-
Lao Cai			8,000	
Ta Van			8,000	
Hau Thao			8,000	
Su Pan	2	87.3	8,000	698,400
Total	2	87.3		698,400

D. Compensation for Loss of Trees**Table X-15: Compensation for loss of bamboo**

Commune	Bamboo			
	# AH	# cluster	Unit price	Amount
Sa Pa	4	122	63,400	7,734,800
Lao Cai			63,400	-
Ta Van	1	2	63,400	126,800
Hau Thao			63,400	-
Su Pan			63,400	-
Total	5	124		7,861,600

Table X-16: Compensation for loss of eucalypts

Commune	Eucalypts			
	# AH	# tree	Unit price	Amount
Sa Pa	2	20	63,400	1,268,000
Lao Cai			63,400	-
Ta Van			63,400	-
Hau Thao			63,400	-
Su Pan			63,400	-
Total	2	20		1,268,000

Table X-17: Compensation for loss of frangula alnus

Commune	Frangula alnus			
	# AH	# tree	Unit price	Amount
Sa Pa	2	7	15,800	110,600
Lao Cai			15,800	-
Ta Van			15,800	-
Hau Thao			15,800	-
Su Pan			15,800	-
Total	2	7	79,000	110,600

Table X-18: Compensation for loss of longan

Commune	Longan			
	# AH	# tree	Unit price	Amount
Sa Pa				-
Lao Cai				-
Ta Van				-
Hau Thao	1	7	158,400	1,108,800
Su Pan				-
Total	1	7		1,108,800

Table X-19: Compensation for loss of banana

Commune	Banana			
	# AH	# cluster	Unit price	Amount
Sa Pa				-
Lao Cai				-
Ta Van				-
Hau Thao				-
Su Pan	1	2	26,400	52,800
Total	1	2		52,800

Table X-20: Compensation for loss of timber

Commune	Timber			
	# AH	# tree	Unit price	Amount
Sa Pa				-
Lao Cai				-
Ta Van				-
Hau Thao				-
Su Pan	3	41	10,600	434,600
Total	3	41		434,600

Table X-21: Compensation for loss of peach tree

Commune	Peach tree			
	# AH	# tree	Unit price	Amount
Sa Pa				-
Lao Cai				-
Ta Van	1	4	40,000	160,000
Hau Thao				-
Su Pan				-
Total	1	4		160,000

E. Assistancess

Table X-22: Assistance for job, training, education

(Cost per household is equal to 2 times of compensation of land)

Commune	No. of HH	Assistance for job, training, education (VND)	Total
Sa Pa	9	302,684,340	302,684,340
Lao Cai	34	846,235,040	846,235,040
Ta Van	26	695,597,840	695,597,840
Hau Thao	26	567,071,680	567,071,680
Su Pan	51	621,943,000	621,943,000
Total	146	3,033,531,900	3,033,531,900
Suoi Ho	1	-	-
Grand total	147	3,033,531,900	3,033,531,900

Table X-23: Assistance for livelihood restoration

Commune	No. Of HH	Rate /HH	Assistance for livelihood restoration	Total
Sa Pa				-
Lao Cai	1	4 persons x VND500,000 x 6 months	12,000,000	12,000,000
Ta Van				-
Hau Thao	1	2 persons x VND500,000 x 6 months	6,000,000	6,000,000
Su Pan				-
Total			18,000,000	18,000,000
Suoi Ho	1	5 persons x VND500,000 x 6 months	15,000,000	15,000,000
Grand total			33,000,000	33,000,000

Table X-24: Assistance for relocation

Commune	No. of HH	Rate /HH	Assistance for relocation	Total
Sa Pa				-
Lao Cai				-
Ta Van	2	1 HH with < 4 persons at the rate VND2,900,000 1 HH with > 4 persons at the rate VND3,300,000	6,200,000	6,200,000
Hau Thao	1	1 HH with < 4 persons at the rate VND2,900,000	2,900,000	2,900,000
Su Pan				-
Total			9,100,000	9,100,000

Table X-25: Assistance for rental accommodation

Commune	No. of HH	Rate/HH/month No. Of months	Assistance for rental	Total
Sa Pa				-
Lao Cai				-
Ta Van	2	VND1,500,000/month x 6 months	18,000,000	18,000,000
Hau Thao	1	VND1,500,000/month x 6 months	9,000,000	9,000,000
Su Pan				-
Total			27,000,000	27,000,000

Table X-26: Assistance for vulnerable households

Commune	No. of Hh	Rate/HH	Assistance for vulnerable household	Total (VND)
Sa Pa	8	VND 2,000,000	16,000,000	16,000,000
Lao Cai	30	VND 2,000,000	60,000,000	60,000,000
Ta Van	24	VND 2,000,000	48,000,000	48,000,000
Hau Thao	24	VND 2,000,000	48,000,000	48,000,000
Su Pan	51	VND 2,000,000	102,000,000	102,000,000
Total	137	VND 2,000,000	274,000,000	274,000,000
Suoi Ho	1		2,000,000	2,000,000
Grand total	138		276,000,000	276,000,000

Table X-27: Early handover bonus

Commune	No. Of Hh	Rate/HH	Bonus	Total
Sa Pa		VND 2,000,000		-
Lao Chai	4	VND 2,000,000	8,000,000	8,000,000
Ta Van	3	VND 2,000,000	6,000,000	6,000,000
Hau Thao	2	VND 2,000,000	4,000,000	4,000,000
Su Pan	2	VND 2,000,000	4,000,000	4,000,000
Total	11		22,000,000	22,000,000

172. Compensation rates will be updated during the REMDP implementation stage, as necessary, to reflect prevalent market rates.
173. The Government of Viet Nam will cover all costs of land acquisition and resettlement within the agreed implementation period. The budget will cover compensation costs, allowances and rehabilitation measures, administration costs, and contingency and will be part of the Government's counterpart fund. The Lao Cai province will be responsible for the disbursement of funds. The PPC will ensure timely provision of counterpart funds for resettlement to meet any unforeseen obligations in excess of the resettlement budget estimates in order to satisfy resettlement requirements and objectives.
174. Total resettlement cost for the Sa Pa project is estimated as VND 10,544,593,099 or USD 502,123.48 at an exchange rate of 1 USD = 21,000 VND (Table X-28).

Table X-28: Sa Pa Total Resettlement Cost

No.	Component/ commune	Land (VND)	Crops (VND)	Trees (VND)	House/ Structure (VND)	Repair assistance for partial lose of structures (VND)	Assistance: job, training, education (VND)	Assistance for Livelihood restoration (VND)	Assistance for relocation (VND)	Assistance for rental (VND)	Assistance for vulnerable groups (VND)	Bonus (VND)	Total (VND)
1	Road 152	2,200,808,500	53,622,260	10,996,400	1,045,548,000	20,690,250	4,401,617,000	18,000,000	9,100,000	27,000,000	274,000,000	22,000,000	8,083,382,410
1.1	Sa Pa town	216,203,100	1,293,200	9,113,400	-	-	432,406,200	0		0	16,000,000	0	675,015,900
1.2	Lao Cai	638,453,600	14,063,000	0	191,019,500	18,357,250	1,276,907,200	12,000,000		0	60,000,000	8,000,000	2,218,800,550
1.3	Ta Van	496,855,600	7,884,560	286,800	483,379,000	-	993,711,200	0	2,900,000	18,000,000	48,000,000	6,000,000	2,057,017,160
1.4	Hau Thao	405,051,200	6,753,160	1,108,800	362,712,000	2,333,000	810,102,400	6,000,000	6,200,000	9,000,000	48,000,000	4,000,000	1,661,260,560
1.5	Su Pan	444,245,000	23,628,340	487,400	8,437,500	-	888,490,000	0		0	102,000,000	4,000,000	1,471,288,240
2	North-east WWTP	432,630,000	18,900,000	0	0	0	865,260,000	15,000,000	0	0	2,000,000	0	1,333,790,000
2.1	Suoi Ho	432,630,000	18,900,000	0	0		865,260,000	15,000,000			2,000,000	0	1,333,790,000
A	Grand total direct cost	2,633,438,500	72,522,260	10,996,400	1,045,548,000	20,690,250	5,266,877,000	33,000,000	9,100,000	27,000,000	276,000,000	22,000,000	9,417,172,410
B	Management Fees 2 %	52,668,770	1,450,445	219,928	20,910,960	413,805	105,337,540	660,000	182,000	540,000	5,520,000		187,903,448
C	Contingency 10 %	263,343,850	7,252,226	1,099,640	104,554,800	2,069,025	526,687,700	3,300,000	910,000	2,700,000	27,600,000		939,517,241
D	Grand total	2,949,451,120	81,224,931	12,315,968	1,171,013,760	23,173,080	5,898,902,240	36,960,000	10,192,000	30,240,000	309,120,000	22,000,000	10,544,593,099

XII. IMPLEMENTATION SCHEDULE

175. The implementation schedule of the forthcoming resettlement activities for the Subproject is presented in the Table 7.

Table XI-1: Indicative Schedule of Resettlement and Compensation Activities

REMDP Updating/Implementation Activities	Schedule
REMDP updating with Consultations, carry out DMS, socio-economic surveys, RCS and disclosure of the subproject.	Quarter 4, Year 1 (2015)
Approval of updated REMDP by Lao Cai PPC and ADB	Quarter 4, Year 1
Recruit Project Implementation Consultants (resettlement)	4 th Quarter , year 1
Implementation of updated REMDP actions including payment of compensation.	Quarter 1 and Quarter 2, Year 2
Implementation of the livelihood restoration program	Quarter 1 and 2 , year 2
Award of civil works contracts.	End of Quarter 2, Year 2
Internal monitoring.	Quarterly
Clearance of acquired land.	Quarter 3, Year 2
Start of civil works.	Quarter 4, Year 2

ANNEX 1: Consultation And Participation Document And List of AHs

REPORT ON PUBLIC CONSULTATION

(Pho Village – Hau Thao Commune – Sa Pa district)

Component : Upgrading provincial road 152

Venue: Pho Village Community House – Hau Thao Commune – Sa Pa district

Time : 24/1/2015

Participants: - Resettlement specialist
- Head of Pho Village
- 15 representatives from 15 AHs (2 women and 13 men)

1. Contents:

- Briefing about components in Sa Pa
- Resettlement policy of the Project (Compensation, Assistance)
- Rights of affected people
- Grievance redress mechanism
- Timing
- Discussion and concerns of APs

2. Comments from participants

- Mr Giang A Vang: Most of us here have no certificate of land use right. Is it affected during the compensation? We expect a reasonable compensating mechanism.
- Mr Vang A Doa: We support the project but we still have our rice fields along the road which would be affected due to the inundation and erosion over time. We would like to request to construct the drainage channel at places where there are rice fields.
- Mr Giang A Cau: We have no objection. We hope that the project would be implemented soon.
- Ms Tran Thi Gia: We expect a reasonable compensation mechanism and assistance to help us settle our lives.
- Mr Giang A Sinh: the local people express their interest in the job opportunity from the construction of the road to increase their income.

3. Comments from the consultant:

- The Consultant received all the constructive comments of AHs and will report to the PPTA.
- Although the households have no certificate of land use right, they still get some compensation if they have been used the land for a long while and the land is under no dispute.
- All specific information on price unit of compensation will be always updated. According to the new law promulgated in 2013, there will be a price survey and compensation option for each component.
- The consultant will take notice and recommend the PMU to employ local labor force for the road construction.



Pho Village – Hau Thao Commune – Sa Pa district

ADB TA: 8425 REG
 SECOND GREATER MEKONG SUBREGION CORRIDOR TOWNS DEVELOPMENT PROJECT
 DỰ ÁN PHÁT TRIỂN CÁC ĐÔ THỊ HÀNH LANG TIỂU VÙNG SÔNG MEKONG LẦN THỨ HAI

1. Town (Tỉnh/Thành Phố) : Sa Pa
 2. Component (Hợp phần) : Đường 152 / 152 Route
 3. Location (Commune-Xã/ District-Huyện)
 4. Activity (Hoạt động)

LIST OF ATTENDEES/ RESPONDENTS
 DANH SÁCH NGƯỜI THAM DỰ/TRẢ LỜI CÂU HỎI

	Name (Họ tên)	Address (Địa chỉ)	Signature (Chữ Ký)
1.	Khang P Koo	Tả Van	[Signature]
2.	Khai A Ky	"	[Signature]
3.	Vang Vanh Phao	"	
4.	Ly A Ky	Lao Chai	
5.	Leng A Phong	"	[Signature]
6.	Pham Van Phuc	"	
7.	Giang A Vang	Hau Thao	[Signature]
8.	Giang A Sinh	"	
9.	Ly A Ki	"	
10.	Khao A Cai	"	
11.	Vang A Bui	Sai Pan	[Signature]
12.	Tan A Lanh	"	
13.	Hong P Khai	"	[Signature]
14.	Giang A Sung	Tả Van	[Signature]
15.	Van Thi Lanh	"	[Signature]
16.			
17.			
18.			
19.			
20.			
21.			

ANNEX 2 - SAPA PUBLIC INFORMATION BOOKLET

The Lao Cai Province People's Committee, with the assistance from the Asian Development Bank (ADB), is addressing the needs for the urban development of Sapa City. A Project Management Unit (PMU) has been established at the City level to manage the Project. The Project includes 4 components

Component 1 – Rehabilitation of Road 152

Route 152 is part of a strategic road connection south from Sa Pa through to the Lao Cai – Hanoi Expressway.

The key current functions of the road are to provide access to local villages; to provide farm to market links and to generally provide villagers with access to the economic (eg employment) and social opportunities in Sa Pa. The road also facilitates access to a very high quality landscape, visited by tourists and including access to walking trails and to “homestay style accommodation”

Part of this route from the vicinity of the Expressway to Ban Den has already been upgraded. The section between Ban Den and Sa remains in a poor condition and is typified by: (i) widths and alignments are variable, such that it is difficult in some areas for vehicles to pass; (ii) road surfacing is mainly poor and some sections are almost rough tracks; (iii) roadside drainage is largely non-existent such that soil erosion and road deterioration of road edge is common and where there are also land slips. Extensive stakeholder discussions confirm that poor road conditions are considered to be uncomfortable and inconvenient and a significant constraint to further economic development in the local villages. It is also recognized that the indiscriminate sale of ethnic goods at the road side is a potential road safety hazard.

Consequently there is economic, social and environmental justification for this road to be upgraded for local village access, to support tourism and tourist access and to complete upgrading of an alternative strategic road link between Sa Pa and the Expressway

Component 2 – Wastewater Improvements:

There are two catchments in Sa Pa; (i) the north-east which includes the town, lake and the new market area; and (ii) the south-west which includes the old town area. There is currently no wastewater treatment and the existing combined wastewater/stormwater collection system is in poor condition.

Wastewater from both catchments cause pollution in the lower rivers and streams (Ngoi Dum stream, Ngoi Bo stream and Muong Hoa stream) which then flow towards Lao Cai city. Lao Cai uses these waterways to provide the raw water source for the city's water supply. Most houses use septic tanks inside their property boundaries, the effluent from which is discharged directly to the combined drainage system. A wastewater collection and treatment system is therefore required to: (i) prevent further deterioration of river water quality; (ii) to prevent downstream pollution risks, with specific reference to village communities and to Lao Cai; and (iii) provide an environment appropriate to Sa Pa's reputation as tourism center emphasizing ecological quality.

For both catchments, the project will include a separate wastewater collection system including pipe network, pumping stations and wastewater treatment plants in the southwest and northeast of the town. Domestic and commercial wastewater will be collected from connected septic tanks and then piped to the wastewater treatment plant. By separating the wastewater and stormwater at source, pollution of stormwater is prevented, and the volumes of wastewater requiring treatment are lower and therefore cheaper to treat.

For the north-east catchment the wastewater treatment plant will have a capacity of

2,500m/day.. Most of the wastewater will be gravity fed to a main collection chamber and then pumped to the wastewater treatment plant. For the south-west catchment the wastewater treatment plant will have a capacity of 5,000m³/day. The system can mostly work on gravity alone, but one pump station will be required to collect wastewater from the lower areas to the south west of the town.

Component 3 – Town Center Enhancement

The full economic and social value of the town center for local residents, property owners and tourists is not realized, such that the area is characterized by:

- 1) Deterioration of the visual quality and functionality of the public realm*, including street and footpath surfacing, street furniture and lighting, soft landscaping and overhead wiring.
- 2) Deterioration of the pedestrian environment through pedestrian/vehicular conflicts through the largely unrestricted traffic access to the town center streets.
- 3) The scale of some new development (eg hotels) is out of scale with the visual character of the town center, which in turn will intensify the problems of traffic of pedestrian/vehicular conflict and potential traffic congestion.
- 4) The loss of the Old Market is a significant loss to the economic and social fabric of the town center and will directly hinder tourism development.
- 5) Inadequate resources, incentives and controls to prevent the process of deterioration and to encourage investment in the town center.
- 6) Stakeholder awareness of the economic and social value of a high quality town center is not fully realized.

Generally the high quality environment of the landscapes, which surround Sa Pa are in - marked contrast to the poor quality environment of the town center. It is this issue which forms the rationale/justification.

Component 4 – Green City Master Plan

The component consists of technical planning input and will not entail any activities causing adverse IR and IP impacts.

Part A: Phased implementation of public realm enhancement, including the main streets, alleyways/steps and open spaces that make up the town center and its surroundings. This specifically includes the high street (Cau May), the surrounding commercial and residential streets, the Church Square and the link area from the Church Square to the central lake. The enhancement of the public realm is designed and will be implemented in conjunction with proposals for better pedestrian priority and traffic management.

Part C: Public sector capacity building through a stronger management regime to ensure sustainable public realm enhancement and to secure better development control within the context of approved design guidelines.

Part D: Private sector capacity building, to develop community/property owner participation in town center enhancement as a context for increasing economic performance and social development in the town center.

Why is this Project necessary to implement?

The key current functions of the road 152 are to provide access to local villages; to provide farm to market links and to generally provide villagers with access to the economic (eg employment) and social opportunities in Sa Pa. The road also facilitates access to a very high quality landscape, visited by tourists and including access to walking trails and to "homestay style accommodation

There are two catchments in Sa Pa; (i) the north-east which includes the town, lake and the new market area; and (ii) the south-west which includes the old town area. There is currently no wastewater treatment and the existing combined wastewater/stormwater collection system is in poor condition.

The full economic and social value of the town center for local residents, property owners and tourists is not realized and generally the high quality environment of the landscapes, which surround Sa Pa are in - marked contrast to the poor quality environment of the town center. It is this issue which forms the rationale/justification

Scope of impact

There will be very limited requirement for land acquisition for developing the northeast wastewater improvements.

For the rehabilitation of the road 152 components, about 147 households (696 APs) households will be affected generally partially. No household will be relocated, and the land area to be acquired is very small for each HH.

Who are the affected households (AHs)?

Entitled AHs are those persons who are located within the affected area at the date the project will be publicly announced. The cut-off-date for eligibility is the date that will correspond to the census and DMS carried out during updating of the RP Persons who encroach into the area after the cut-off-date will not be entitled to compensation or any other form of resettlement assistance. For Lao Cai, the cut-off date is considered as the date that the project is approved by Lao Cai authorities.

What are the resettlement policies and principles of the Project for affected households?

The basic resettlement principles of the Project are:

- a) All APs are entitled to be compensated for their lost assets, incomes and businesses at replacement cost, and provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, incomes and productive capacity.
- b) Lack of legal rights to the assets lost will not prevent APs from entitlement to compensation.
- c) Compensation for affected assets shall be provided at market rates.
- d) Preparation of resettlement plans and their implementation is to be carried out with participation and consultation of affected people.
- e) Payment of compensation for affected assets of AHs will be completed prior to commencement of any construction activities.

f) Specific assistance will be provided for poor, ethnic minorities, female headed-households, families with disabled, and other vulnerable families.

When is the cut-off-date?

The cut-off date for the project will be the date of approval of the project by the Sa Pa authorities. Households who were not present as of cut-off-date will not be entitled to any compensation or assistance for their assets in the project.

When the Detailed Measurement Survey (DMS) will take place?

This activity will be carried out after the detailed design of the urban component has been completed. The DMS will identify all affected assets (land, trees, crops etc.) of each HH. The DMS team will be composed of project representatives (PMU staff), the Center for Land Fund Development, commune staff. The DMS will only be carried out in the presence of the AHs. AHs will be informed prior to the survey.

When the Project is expected to commence?

The detailed design will take place during the last quarter of 2015 []. Land acquisition and resettlement are expected to take place by during the first quarter of 2016 and the civil works for all components are expected to start by mid-2016 and be completed in 2019

When other consultation will take place?

Consultation with AHs will continue during the detailed design phase and before the DMS. AHs will receive a written invitation to join the public meetings.

If there are disagreements or problems arising during the Project such as compensation or general project-related disputes, do I have the right to complain?

Any AH may file a complaint or grievance. The Project includes a Grievance Redress Process and AHs may present their complaints to the concerned local administrative officials and RCs, either verbally or in writing.

The complaint can be filed first at the commune level and can be elevated to the highest provincial level if the AHs are not satisfied with the decisions made by the commune or district. AHs will be exempted from all taxes and administrative and legal fees associated with filing and resolving the dispute.

Anybody who has questions or concerns about the Project, can contact the following persons:

Mr. Phan Trung Ba – Director of Lao Cai Provincial ODA PMU, Lao Cai Provincial Department of Planning and Investment.

5th Floor, Block VI, Tran Hung Dao Avenue, Nam Cuong Ward, Lao Cai City, Lao Cai Province

Telephone: 0913-360-028

Email: phantrungbaa66@gmail.com

ANNEX 3 – DESCRIPTION OF ETHNIC MINORITIES IN SA PA

Giay group

Giay people majorly cultivate on wet-rice fields. Cultivation using land from burning forest brings them extra income. They often use this area for animal raising. They raise many buffalos, horses, pigs, chickens, and ducks. They make use of horses as a means of transport, buffalos for plowing and carrying logs.

Giay people's villages are often crowded. They live on the house built on the ground (Lao Cai province) and always place altars in the central section of their house. On the altars, Giay people worship not only their ancestors but also "God of Kitchen", sun and land. In their house, they also worship midwives, god of land, sometimes maternal ancestors. Other ancestors are considered as "the ghost" who protects the whole family.

According to Giay's custom, the husband or the father will take dominant role. The sons or daughters carry their father's family name. The groom's family will take responsibility of holding wedding as well as other procedures. After the wedding, the bride moves to her husband's family and live there. However, it is also common that the groom will stay in the bride's house after their wedding.

Giay people have rich sources of old stories, poems, sayings, riddles, folklores, etc. Many stories provide explanations of natural phenomenon or are long stories by poem, songs. Their folklores are plentiful and various with different types and melodies, especially love duet between men and women which are very exciting and attractive.

Hmong group

Hmong group is a big ethnic group in Sa Pa with distinctive culture and customs. They mainly live on growing rice, corn or wheat on terraced field. The peasants have a tradition to do catch-crop with sweet potato, vegetables, peanut, sesame, bean... The plough made by Hmong people is really popular with its endurance. Growing flax, opium (in the past), fruit trees (apple, pear, plumb...) or weaving are the popular activities among the group. Hmong people normally raise buffalos, cows, pigs, chickens and horses. Horses play an important role in helping transport goods in mountainous and rocky area. Also, horses are very closely with each private household. In addition, Hmong people develop a variety of handicraft works namely plaiting, forging, making bridles, and making wooden goods for carrying, making rice paper and producing silver jewelry to serve public needs.

Hmong people often live in villages of several dozens of houses. They generally live in a one-storey house consisting of three compartments and two lean-tos with two to three doors. The altar is placed in the middle compartment. There are various family names of which one or two are the dominant ones with great influence on relationships the village. The village leader shall control the relationships in the village regardless the methods which could be punishment or public criticism (in the past). The ordinary people voluntarily commit to obey the common principles on production, live-stock raising, forest protection and helping each other. The relationships among villagers are even much more close-knit thanks to the fact that they worship the same land divinity. Hmong people highly appreciate family name including people who share the same ancestor. Their distinctive cultural characteristics are presented through the way they worship their ancestor, door divinity with a certain number of bowls and how to arrange them, place of worshipping ceremony, customs of conducting funerals, for example, where to place the corpse inside the house, how to keep the corpse outdoor before bury, how to construct the tomb. People having the same family name can still be realized though they don't know each other or are in different generation.

Inside their houses, Hmong people save holly places for worshipping ancestors, God of house, God of kitchen. Some people working as pharmacists also worship the person who pioneers this job. There are some ceremony to prevent strangers from entering the house

and village. After worshipping ceremony, people often asking for an amulet to wear with a hope that good lucks will come to them.

Tay group

Tay people are farmers who traditionally cultivate on wet-rice field. Long time ago, they knew how to do intensive farming and widely applied irrigation methods such as digging canals, guttering, making water-wheels, etc. In addition to wet rice agriculture, Tay people also cultivate upland rice, crops, fruit trees, etc. They also raise cattle and poultry but animals are commonly left free to forage. Family handicraft is also concentrated. The most famous activity is weaving brocade with beautiful and unique textures. Market is also a very important economic activity.

Tay People have similar customs with Kinh People: Men and women are free in getting to know each other or love. Tay People mostly worship their ancestors apart from god of land, god of kitchen, midwives, etc. Tay People have their own language and writing characters which are kind of the same as Kinh's.

ANNEX 4 – DUE DILIGENCE REPORT

LAND ACQUISITION AND RESETTLEMENT FOR CONSTRUCTION OF SA PA SOUTHWEST WASTEWATER TREATMENT PLANT.

A. Introduction

The Second Greater Mekong Subregion Corridor Towns Development Project (ADB TA 8425) aims at transferring traffic corridors of Mekong sub regions into economic corridors through upgrading infrastructure and building instructional capacity in selected corridor towns in Vietnam. Towns participating in the project include Bac Giang city, Hmong Cai city and Sa Pa town which have strategic locations in traffic corridors and are potential in attracting investment as well as boosting economic development.

Potentials for economic development include optimizing economic resources and attracting investment to implement strategic economic development plan, infrastructure construction and services as well as institutional capacity building to manage urban areas. Project towns are facing difficulties and challenges in meeting demand when urban population is increasing and increasing and urban areas are extended. Local and national authorities have to address serious economic and environmental issues due to limitation in terms of capacity when constructing essential infrastructure. Growing traffic and trade flow in the social economic corridors requires construction of urban infrastructure and capacity building to manage local economy towards environmental sustainability.

Located in the southwest of Vietnam, Sa Pa is a land of modest, quietness with miracles of the nature hidden inside. Sa Pa scenery is harmonized with human's creativeness, with mountainous terrains and green forest. This place possesses valuable resources such as fresh atmosphere which is typical of temperate climate. Sa Pa is a famous big tourism center attracting many tourists.

Sa Pa wastewater drainage system is the combined one which includes wastewater and storm water drainage and discharges into environment without any treatment. This causes pollution in the downstream areas such as Ngoi Dum, Ngoi Bo streams and Muong Hoa stream flowing into Lao Cai city where the water supply plant for the whole city is located.

B. Land acquisition and Resettlement

The whole town has 2 catchments for water drainage including Northeast and southeast areas. The water is discharged following the natural slope of the terrains into streams and water ravines. The position for construction of wastewater treatment plant in the southwest area is proposed to locate in the land area where the compensation is already finished since December 2013.

The proposed wastewater treatment plant is 15,812m² with the size of 134x118m. Works are constructed inside the treatment area including:

- a) One sand settling tank: the tank is made of reinforced concrete with the size of 17.68x1.64m. the tank is 1.6m high.
- b) One balancing tank: is made of reinforced concrete with the size of 17.2x16.2m. The tank is 4.6 m high.
- c) Anaerobic tank: 02 tanks will be constructed and made from reinforced concrete with the size of 14.4x10.4m. The tanks are 6.7m high.
- d) Aerobic tank: 02 tanks will be constructed and made from reinforced concrete with the size of 14.4x8.4m. The tanks are 10.7m high.

- e) Clarifier tank: 04 tanks will be constructed and made from reinforced concrete with the size of 15.4x11.8m. The tanks are 3.8m high.
- f) Tank collecting water after settling: 02 tanks will be constructed and made from reinforced concrete with the size of 11.8x2.9m. The tanks are 3.8m high.
- g) Disinfection tank: 02 tanks will be constructed and made from reinforced concrete with the size of 11.8x2.9m. The tanks are 3.8m high.
- h) House for blowing machine: 01 house for blowing machine has size of ground of 19.35'14.0m. It is one storey house, flat basement, roof is framework made from reinforced concrete. The proposed height is 4.8m.
- i) House to store dried sludge: 01 house with the ground area of 20x20m of the whole system of foundation, frame, and roof of reinforced concrete. Inside the house, there are tanks and other equipment needed to dry sludge.
- j) Sludge compressing tank: 01 sludge compressing tank in round shape with the internal diameter of 6.5m constructed with reinforced concrete with the height of 3.9 m
- k) Chemicals storage building: 01 chemicals storage building with dimension of a central axis of 30x12.2m. The foundation, frame and roof are made of reinforced concrete. There installs a palang with the capacity of 2 tons to transport the chemicals.
- l) Administrative house: 01 administrative house with expected area of 25.42x6.52m with 02 stories and roof made of reinforced concrete frame. The house is built with brick wall. There are working rooms inside the houses.
- m) Other auxiliary works: In addition to works mentioned above, there are auxiliary works namely fences, gates, guard house, internal system of wastewater and stormwater drainage, garden, and internal footpath...

Location of the Southwest WWTP:

- Total number of affected households: 26 households including 3 households that need relocating
- Total number of land for acquisition: 15,955m².
- Total amount of compensation: 3,251,608,500 DONG

Sa Pa compensation and resettlement assistance prepared a plan of compensation for 26 AHs according to decision no. 2636/QĐ- UBND dated 3 december 2012 and decision 2052/QĐ-UBND dated 14/10/2013. The plan includes resettlement costs for land compensation, houses and constructions on land, trees and crops and assistance and awards.

All the 26 AHs have received compensation and assistance and have handed over the land for the town. 3 relocated households have finished constructing their houses and have relocated to the area which is about 500 m away from the old location.

All households receiving compensation money have no queries or complaints about the compensation and assistance for resettlement.

C. Assessment on Resettlement

At the moment, the land is available, the Southwest WWTP is expected to be constructed within the site of the cleared land of which all procedures of compensation and assistance for resettlement are already accomplished. Therefore, no problems are expected to be encountered here.

D. Conclusion

The due diligence report confirmed that the subproject component of Southwest Wastewater Treatment Plant caused no adverse impacts on the community and the project will largely benefit the local residents.

Acquisition of land and compensation for all assets was in accordance with the national and provincial law and regulations and there are no outstanding claims, disputes or resettlement issues for the land acquired.

ANNEX 5 - SOCIO-ECONOMIC QUESTIONNAIRE ABOUT AFFECTED HOUSEHOLDS

(Sample: 100% of heavily affected households and 10% of the rest households)

Code:

Name of the Subproject :.....

Province :.....District :.....

Commune :.....Village.....

I- General information of households:

1. Affected items:

2. Name of household's head:

3. Name of wife/husband of the household:

4. Is the household (HH) eligible for receiving social welfare: **Yes :** **No :**

If yes, please specify: 4.1. Ethnic minority HH.....

4.2. Poor HH.....

4.3. HH contributing to the revolution:.....

4.4. HH having dead and wounded soldiers.....

4.5. Helpless old people:.....

4.6. HH having the disabled:.....

4.7. Others.....

5. Information of Members in the household

No.	Relationship with household head	Ethnic group	Gender	Age	Education	Occupation		Average income(1000 VND/month)		Total income (1000 VND/Month)
						Major	Minor	Major	Minor	
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										

6. Economic activities of the family

If the household do business or production at home, please specify:

7. Total average expenditures/month of the family (1000 VND/Month):

8. Utilities:

8.1 Electricity: a) Yes : _____ b) No : _____

8.2 Fresh water: a) Yes : _____ b) No : _____

8.3. Water source that is being used:

- a) Piped water : _____
- b) Drilled well water : _____
- c) Dug well water : _____
- d) Stormwater : _____
- e) River/canal water : _____
- f) Buying clean water : _____
- i) Others: _____

8.4 WC: a) Yes: _____ b) No : _____

8.5. Bathroom: a) Yes: _____ b) No : _____

8.6. Fuel: a) Firewood: _____ b) Coal: _____ c) Electricity: _____
 d) Gas: _____ e) Kerosene _____ f) Others: _____

9. Current assets of the HH: (specify quantity)

Type of assets	Quantity	Type of assets	Quantity
Bicycle		Landline	
Motorbike		Cellphone	
Car		Music player/tape player	
Air-conditioner		Computer	
Washing machine		Rice cooker	
Expensive bed/cabinet/wooden furniture		Production machine	
TV			

10. The type of current house is

- a) Grade 3 house: _____
- b) Grade 4 house: _____
- c) Temporary house: _____

II. Awareness on the project, compensation and resettlement:

1. Recovery measures:

If your incomes are affected, what is your expectation on the livelihood:

- a) Keeping the same occupation.
- b) Changing into a new job.
- c) No idea.

Which the recovery measure below do you prefer?

- a) Training the current occupation
- b) Training a new occupation. Specify:
- c) Support the capital (loan) for production/business investment
- d) Support the capital for agricultural investment (fertilizer, seeds...)
- e) Technical assistance for agricultural production (fishery and agricultural extension)
- f) Establishing new business place
- g) Others (specify):

.....
1.3. If you have to move your living place, what methods of moving do you prefer?

- 1.3.1. Receiving compensation in cash and arranging new living place on your own
- 1.3.2. Receiving new land compensated for the old land or moving to resettlement area
- 1.3.3. Others (specify):

1.4. If the HH moves to resettlement area, what type of resettlement area do you intend to move to? (please specify):

.....
IV. Comment/evaluation of enumerator:

.....
.....
Hanoi, date _____, month _____, year 20__

Name of enumerator: _____

ANNEX 6 – TOR OF SAFEGUARD SPECIALIST

Social Safeguards Safeguards (Resettlement and Ethnic Minorities)

The Social Safeguards Specialist will hold a Master's degree from a recognized university in social sciences, sociology or another relevant discipline. He/she will have at least 10 years of work experience in resettlement planning and social development, including 5 years with ODA-funded projects. He/she will have an in-depth understanding of national and international best practices and policy on involuntary resettlement issues, social development, gender issues, and poverty reduction. Extensive experience in community mobilization and analysis of resettlement issues in Viet Nam will be an advantage. He /she must have a clear understanding of resettlement checklists and guidelines of ADB or other international donor agencies and be familiar with ADB Safeguards Policy Statement.

The Social Safeguard Specialist as member of the Implementation Support Consultant will report directly to the Team Leader. The specialist will provide support and advice to both PMUs regarding social safeguards and resettlement activities. The expert's responsibilities will include but not be limited to the following tasks:

- i. Review and update the Resettlement & Ethnic Minority Development Plan (REMDP) prepared during the Project Preparatory Technical Assistance (PPTA) and make necessary revisions based on DED and DMS following consultative meetings with EA and PMUs including affected households;
- ii. Review and reconfirm resettlement support packages and make necessary updating acceptable to the government and ADB;
- iii. Define categories of impact and eligibility of affected household for compensation, and finalize entitlement matrix covering compensation for lost assets and income including assistance to achieve full replacement costs for lost assets, income and livelihoods in accordance to national laws and regulations and ADB's Safeguards Policy Statement (SPS) ;
- iv. Review the grievance redress mechanism and address any issues that arise during the project in accordance with the updated resettlement plan;
- v. Assist and improve, if necessary, procedures for the coordination of resettlement and compensation activities;
- vi. Ensure that grievances are addressed promptly and properly and that grievance redress mechanism is functioning well and provide necessary training on grievance if needed;
- vii. Establish and implement liaison mechanisms to ensure proper technical and logistical support to PMUs, local administrative authorities, resettlement committees and concerned government departments;
- viii. Assist in the conduct of the information campaigns and public consultation and prepare consultation plans and formats for documenting consultations with affected people in accordance with ADB policies, and provide technical assistance in the conduct of consultations with affected persons and project stakeholders;
- ix. assess stakeholder's concerns and recommend possible changes in project designs to minimize land acquisition and resettlement impacts and assist EAs and PMUs get the endorsement of the updated resettlement plan prior to submission to ADB review and concurrence;
- x. ensure that gender and indigenous peoples issues are fully covered in the subproject implementation and subsequent investment planning as necessary;
- xi. assist in the development of the monitoring systems for social safeguards

- elements during project implementation and in the preparation of regular reports;
- xii. develop information, education and communication (IEC) programs to generate public awareness on the Project and assist in monitoring impact of IEC programs;
 - xiii. Liaise with various stakeholders (i.e. agriculture extension centers, vocational training centers etc.) to prepare Income Restoration Programs (IRPs) and prepare Memorandum of Understandings (MOU) between PMU and stakeholders regarding IRP;
 - xiv. Organize Detailed Needs Assessment among IRP beneficiaries in order to record their choice for IRP activities;
 - xv. Assist the Center for Land Fund Development (CFLD) in applying the PPC-approved unit rates based on the replacement cost survey for affected land and non-land assets and
 - xvi. provide resettlement training to Project Staff of EAs, PMUs on:
 - a. national laws and regulations;
 - b. ADB policy and procedural requirements,
 - c. resettlement planning, implementation and supervision,
 - d. monitoring and evaluation
 - xvii. Together with the PMUs, the PISC will supervise civil works activities to ensure that the contractors adhere with the terms of their contract relative to avoiding and/or minimizing resettlement impacts.

(i)